ACTS 2020

Laws enacted by the

121st GENERAL ASSEMBLY

at the

SECOND REGULAR SESSION
(2020)

VOLUME I

(P.L.1-2020 through P.L.100-2020)

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

Office of Code Revision
Legislative Services Agency

PREFACE TO 2020 ACTS

ARRANGEMENT

This edition of the Acts of Indiana includes all laws from the Second Regular Session of the 121st General Assembly. The laws are arranged into two categories: first, laws of a permanent nature that amend the Indiana Code or laws that are temporary or special in nature and that do not amend the Code; and second, joint resolutions (if any).

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

PRINTING CODE

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

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

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

Conflict reconciliation: Text in a statute in *this style type* or ~~*this style type*~~ reconciles conflicts between statutes enacted by the 2019 Regular and Special Session of the General Assembly.

Upon the recommendation of the Code Revision Commission, the Legislative Council authorized a change in the style in which bills are printed to highlight the manner in which "blind amendments" are resolved in the technical correction bill prepared by the Code Revision Commission. A "blind amendment" occurs when two or more enrolled acts amend the same section of law but fail to indicate how they are to be read together. P.L.156-2020 (HEA 1096-2020), the technical correction bill prepared for the 2020 Second Regular Session of the General Assembly, uses an *italic typeface* to indicate that one or more words contained in a law enacted in 2019 were absent from other versions of the law enacted in the same session. P.L.156-2020 (HEA 1096-2020) in 2020 resolves the differences by striking superfluous words and inserting additional words as needed to harmonize the various versions of the law.

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

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

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

PUBLIC LAW CITATION FORM

The public law citation form incorporates the year the public law was enacted as a part of the public law number. For example, Public Law 1 enacted by the 121st Second Regular Session is cited as P.L.1-2020.

CERTIFICATION

IC 2-6-1.5 requires the Indiana Legislative Council to supervise the preparation, indexing, and distribution of the session laws. Under IC 2-6-1.5, the Speaker of the House of Representatives and President Pro Tempore of the Senate must certify that the printed session laws have been compared with the enrolled acts and joint resolutions and have been found correct. The certification immediately follows the text of the session laws at the end of the last volume of the 2020 Acts.

CASH STATEMENT

Article 10, Section 4 of the Constitution of the State of Indiana requires that an "accurate statement of the receipts and expenditures of the public money, shall be published with the laws of each regular session of the General Assembly". The statement for the current year appears in this publication following the certification of the session laws.

TABLES

There are three tables at the end of the last volume of the 2020 Acts. The Table of Citations Affected sets out each section of the Code that has been affected by legislation enacted at the Second Regular Session of the 121st General Assembly. The Bill Numbers to Public Law Numbers table provides cross-references from House and Senate bill numbers to public law numbers for the Second Regular Session of the 121st General Assembly. The Public Law Numbers to Bill Numbers table provides cross-references from House and Senate public law numbers to bill numbers for the Second Regular Session of the 121st General Assembly.

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Immediately following the tables at the end of the last volume of the 2020 Acts is a subject index for the legislation enacted at the Second Regular Session of the 121st General Assembly.

LAWS OF INDIANA

passed at the
SECOND REGULAR SESSION
121ST GENERAL ASSEMBLY

P.L.1-2020
[H.1007. Approved January 29, 2020.]

AN ACT to amend the Indiana Code concerning state offices and administration and to make an appropriation.

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

SECTION 1. IC 4-38-8-2, AS ADDED BY P.L.293-2019, SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) The sports wagering fund is established.

(b) The commission shall administer the fund.

(c) The fund consists of the following:

(1) Initial fees deposited in the fund under IC 4-38-4-5.

(2) Fees deposited in the fund under IC 4-38-6.

(3) Fees deposited in the fund under IC 4-38-7.

(4) Administrative fees deposited in the fund under section 1 of this chapter.

(d) The expenses of administering the fund shall be paid from 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 that 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.

(g) Money in the fund is continuously appropriated to the commission for the purpose of administering this article.

SECTION 2. IC 5-1.2-4.5-3 IS REPEALED [EFFECTIVE JULY 1, 2020]. ~~Sec. 3. (a) This section applies to any other agreement to which the authority or the state is a party under any provision of the Indiana Code, other than IC 8-15.5, or any extension or any amendment to such an agreement, and that is to be entered into after May 1, 2019.~~

~~(b) If the proposed agreement, extension, or amendment would increase the amount to be received by the authority or the state by at least one hundred million dollars ($100,000,000), the authority or the state shall submit the proposed agreement, extension, or amendment to the budget committee established by IC 4-12-1-3 for its review. The budget committee may request that the authority or the state, or both, appear at a public meeting of the budget committee concerning the proposed agreement, extension or amendment. The authority or the state may not enter into the proposed agreement, extension or amendment until after the budget committee has reviewed the proposed agreement, extension or amendment.~~

SECTION 3. [EFFECTIVE UPON PASSAGE] **(a) There is appropriated to Purdue University, West Lafayette, seventy-three million dollars ($73,000,000) from the state general fund for its construction of the College of Veterinary Medicine Teaching Hospital beginning July 1, 2019, and ending June 30, 2021.**

(b) There is appropriated to Indiana University sixty-two million dollars ($62,000,000) from the state general fund for its bicentennial repair and rehabilitation plan beginning July 1, 2019, and ending June 30, 2021.

(c) There is appropriated to Ball State University fifty-nine

million nine hundred thousand dollars ($59,900,000) from the state general fund for its STEM and Health Professions Facilities Phase III beginning July 1, 2019, and ending June 30, 2021.

(d) There is appropriated to Ivy Tech Community College twenty-nine million eight hundred ninety thousand dollars ($29,890,000) from the state general fund for its Columbus Campus Main Building Replacement beginning July 1, 2019, and ending June 30, 2021.

(e) There is appropriated to Indiana State University eighteen million four hundred thousand dollars ($18,400,000) from the state general fund for its Academic Facility Renovation Phase Two, Dreiser Hall beginning July 1, 2019, and ending June 30, 2021.

(f) There is appropriated to the University of Southern Indiana forty-eight million dollars ($48,000,000) from the state general fund for its Health Professions Classroom Renovation beginning July 1, 2019, and ending June 30, 2021.

(g) Notwithstanding IC 21-33-3, the projects funded in subsections (a) through (f) do not require review by the commission for higher education or an advisory recommendation by the budget committee if the projects were already reviewed by the commission for higher education and recommended by the budget committee before April 1, 2020.

(h) This SECTION expires July 1, 2021.

SECTION 4. **An emergency is declared for this act.**

P.L.2-2020
[S.2. Approved February 12, 2020.]

AN ACT concerning education.

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

SECTION 1. [EFFECTIVE JULY 1, 2018 (RETROACTIVE)] **(a) The definitions in IC 20 apply throughout this SECTION.**

(b) Notwithstanding IC 20-31-8 and 511 IAC 6.2-10, a school's or school corporation's category or designation of school or school corporation performance assigned by the state board under IC 20-31-8-4 for the 2018-2019 school year shall be calculated in the manner provided in 511 IAC 6.2-10, with the exception that a school's or school corporation's category or designation of school or school corporation performance for the 2018-2019 school year may not be lower than the school's or school corporation's category or designation of school or school corporation performance for the 2017-2018 school year.

(c) Notwithstanding IC 20-31-8 and 511 IAC 6.2-10, a school's or school corporation's category or designation of school or school corporation performance assigned by the state board under IC 20-31-8-4 for the 2019-2020 school year shall be calculated in the manner provided in 511 IAC 6.2-10, with the exception that a school's or school corporation's category or designation of school or school corporation performance for the 2019-2020 school year is the higher of a school's or school corporation's category or designation of school or school corporation performance:

(1) determined under subsection (b); or

(2) for the 2019-2020 school year as determined under IC 20-31-8.

(d) Notwithstanding IC 20-31-9, and except as otherwise provided in this subsection, a school's category or designation of school performance assigned by the state board under subsection (b) or (c) may not be used in the determination of consequences

under IC 20-31-9. The school's category or designation of school performance for the 2020-2021 school year shall be considered the category or designation for the school year immediately following the 2017-2018 school year for purposes of applying consequences under IC 20-31-9 for a school that has been placed in the lowest category or designation of school performance under subsections (b) and (c). However, a school may petition the state board, and the state board shall grant the school's petition to use the grade assigned to the school under subsection (b) or (c) for purposes of applying IC 20-31-9.

(e) Notwithstanding IC 20-51-4-9, and except as otherwise provided in this subsection, an eligible school's (as defined in IC 20-51-1-4.7) category or designation of school performance under subsection (b) or (c) may not be used in the determination of consequences under IC 20-51-4-9 if the eligible school is placed in either of the two (2) lowest categories or designations of school performance under subsection (b) or (c). The eligible school's category or designation of school performance for the 2020-2021 school year shall be considered the category or designation for the school year immediately following the 2017-2018 school year for purposes of applying consequences under IC 20-51-4-9 for an eligible school that has been placed in the two (2) lowest categories or designations of school performance under subsections (b) and (c). However, an eligible school may petition the state board, and the state board shall grant the eligible school's petition to use the eligible school's category or designation of school performance assigned under subsection (b) or (c) for purposes of applying IC 20-51-4-9.

(f) Notwithstanding IC 20-24-2.2-2, a charter school's category or designation of school performance for the 2020-2021 school year shall be considered the category or designation for the school year immediately following the 2017-2018 school year for purposes of applying IC 20-24-2.2-2(a) for a charter school that has been placed in the lowest category or designation of school performance under subsection (b) or (c). However, a charter school may petition the state board, and the state board shall grant the charter school's petition to use the charter school's category or designation of

school performance assigned under subsection (b) or (c) for purposes of applying IC 20-24-2.2-2(a).

(g) This SECTION expires January 1, 2023.

SECTION 2. [EFFECTIVE JULY 1, 2018 (RETROACTIVE)] **(a) The definitions in IC 20 apply throughout this SECTION.**

(b) Notwithstanding IC 20-28-11.5-4 or 511 IAC 10-6-4, ILEARN program test scores or a school's category or designation of school improvement under IC 20-31-8 for the 2018-2019 or 2019-2020 school year, based on Indiana's Learning Evaluation Assessment Readiness Network (ILEARN) program test under IC 20-32-5.1 taken in the spring of 2019 and 2020, may not be used by a school corporation as part of an annual performance evaluation of a particular certificated employee under a performance plan developed under IC 20-28-11.5-4 unless the use of the ILEARN program test scores or a school's category or designation of school improvement under IC 20-31-8 for the 2018-2019 or 2019-2020 school year would improve the particular certificated employee's annual performance rating. If ILEARN program test scores or a school's category or designation of school improvement are not used in a particular certificated employee's annual performance evaluation, the weight of all other measures used in the certificated employee's annual performance evaluation must be proportionately increased to replace measures based on the ILEARN program test or the school's category or designation of school improvement.

(c) This SECTION expires July 1, 2023.

SECTION 3. **An emergency is declared for this act.**

P.L.3-2020
[S.61. Approved March 11, 2020.]

AN ACT to amend the Indiana Code concerning health.

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

SECTION 1. IC 16-31.5 IS ADDED TO THE INDIANA CODE AS A **NEW** ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]:

ARTICLE 31.5. EMERGENCY MEDICAL SERVICES PERSONNEL LICENSURE INTERSTATE COMPACT

Chapter 1. Purpose

Sec. 1. In order to protect the public through verification of competency and ensure accountability for patient care related activities, all states license emergency medical services (EMS) personnel, such as emergency medical technicians (EMTs), advanced EMTs, and paramedics. This compact is intended to facilitate the day to day movement of EMS personnel across state boundaries in the performance of their EMS duties as assigned by an appropriate authority and authorize state EMS offices to afford immediate legal recognition to EMS personnel licensed in a member state. This compact recognizes that states have a vested interest in protecting the public's health and safety through their licensing and regulation of EMS personnel and that such state regulation shared among the member states will best protect public health and safety.

Sec. 2. This compact is designed to achieve the following purposes and objectives:

(1) Increase public access to EMS personnel.

(2) Enhance the states' ability to protect the public's health and safety, especially patient safety.

(3) Encourage the cooperation of member states in the areas of EMS personnel licensure and regulation.

(4) Support licensing of military members who are separating from an active duty tour and their spouses.

(5) Facilitate the exchange of information between member states regarding EMS personnel licensure, adverse action, and significant investigatory information.

(6) Promote compliance with the laws governing EMS personnel practice in each member state.

(7) Invest all member states with the authority to hold EMS personnel accountable through the mutual recognition of member state licenses.

Chapter 2. Definitions

Sec. 1. As used in this article, "advanced emergency medical technician" or "AEMT" means an individual licensed with cognitive knowledge and a scope of practice that corresponds to that level in the National EMS Education Standards and National EMS Scope of Practice Model.

Sec. 2. As used in this article, "adverse action" means any administrative, civil, equitable, or criminal action permitted by a state's laws which may be imposed against licensed EMS personnel by a state EMS authority or state court, including, but not limited to, actions against an individual's license, such as revocation, suspension, probation, consent agreement, monitoring, or other limitation or encumbrance on the individual's practice, letters of reprimand or admonition, fines, criminal convictions, and state court judgments enforcing adverse actions by the state EMS authority.

Sec. 3. As used in this article, "alternative program" means a voluntary, nondisciplinary substance abuse recovery program approved by a state EMS authority.

Sec. 4. As used in this article, "certification" means the successful verification of entry level cognitive and psychomotor competency using a reliable, validated, and legally defensible examination.

Sec. 5. As used in this article, "commission" means the national administrative body, of which all states that have enacted the compact are members.

Sec. 6. As used in this article, "emergency medical technician" or "EMT" means an individual licensed with cognitive knowledge

and a scope of practice that corresponds to that level in the National EMS Education Standards and the National EMS Scope of Practice Model.

Sec. 7. As used in this article, "home state" means a member state where an individual is licensed to practice emergency medical services.

Sec. 8. As used in this article, "license" means the authorization by a state for an individual to practice as an EMT, AEMT, paramedic, or a level between EMT and paramedic.

Sec. 9. As used in this article, "medical director" means a physician licensed in a member state who is accountable for the care delivered by EMS personnel.

Sec. 10. As used in this article, "member state" means a state that has enacted this compact.

Sec. 11. As used in this article, "paramedic" means an individual licensed with cognitive knowledge and a scope of practice that corresponds to that level in the National EMS Education Standards and the National EMS Scope of Practice Model.

Sec. 12. As used in this article, "privilege to practice" means an individual's authority to deliver emergency medical services in remote states as authorized under this compact.

Sec. 13. As used in this article, "remote state" means a member state in which an individual is not licensed.

Sec. 14. As used in this article, "restricted" means the outcome of an adverse action that limits a license or the privilege to practice.

Sec. 15. As used in this article, "rule" means a written statement by the interstate commission promulgated under IC 16-31.5-12 that:

(1) is of general applicability;

(2) implements, interprets, or prescribes a policy or provision of the compact; or

(3) is an organizational, a procedural, or a practice requirement of the commission and has the force and effect of statutory law in a member state and includes the amendment, repeal, or suspension of an existing rule.

Sec. 16. As used in this article, "scope of practice" means defined parameters of various duties or services that may be provided by an individual with specific credentials. Whether regulated by rule, statute, or court decision, the term tends to represent the limits of services an individual may perform.

Sec. 17. As used in this article, "significant investigatory information" means investigative information that:

(1) a state EMS authority, after a preliminary inquiry that includes notification and an opportunity to respond if required by state law, has a reason to believe, if true, would result in the imposition of an adverse action on a license or privilege to practice; or

(2) indicates that the individual represents an immediate threat to public health and safety regardless of whether the individual has been notified and has an opportunity to respond.

Sec. 18. As used in this article, "state" means any state, commonwealth, district, or territory of the United States.

Sec. 19. As used in this article, "state EMS authority" means the board, office, or other agency with the legislative mandate to license EMS personnel.

Chapter 3. Home State Licensure

Sec. 1. Any member state in which an individual holds a current license shall be deemed a home state for purposes of this compact.

Sec. 2. Any member state may require an individual to obtain and retain a license to be authorized to practice in the member state under circumstances not authorized by the privilege to practice under the terms of this compact.

Sec. 3. A home state's license authorizes an individual to practice in a remote state under the privilege to practice only if the home state:

(1) currently requires the use of the National Registry of Emergency Medical Technicians (NREMT) examination as a condition of issuing initial licenses at the EMT and paramedic level;

(2) has a mechanism in place for receiving and investigating complaints about individuals;

(3) notifies the commission, in compliance with the terms herein, of any adverse action or significant investigatory information regarding an individual;

(4) not later than five (5) years after activation of the compact, requires a criminal background check of all applicants for initial licensure, including the use of the results of fingerprint or other biometric data checks compliant with the requirements of the Federal Bureau of Investigation with the exception of federal employees who have suitability determination in accordance with 5 CFR 731.202 and submit documentation of such as promulgated in the rules of the commission; and

(5) complies with the rules of the commission.

Chapter 4. Compact Privilege to Practice

Sec. 1. Member states shall recognize the privilege to practice of an individual licensed in another member state that is in conformance with this article.

Sec. 2. To exercise the privilege to practice under the terms and provisions of this compact, an individual must:

(1) be at least eighteen (18) years of age;

(2) possess a current unrestricted license in a member state as an EMT, an AEMT, a paramedic, or a state recognized and licensed level with a scope of practice and authority between EMT and paramedic; and

(3) practice under the supervision of a medical director.

Sec. 3. An individual providing patient care in a remote state under the privilege to practice shall function within the scope of practice authorized by the home state unless and until modified by an appropriate authority in the remote state as may be defined in the rules of the commission.

Sec. 4. Except as provided in section 3 of this chapter, an individual practicing in a remote state will be subject to the remote state's authority and laws. A remote state may, in accordance with due process and that state's laws, restrict, suspend, or revoke an individual's privilege to practice in the remote state and may take any other necessary actions to protect the health and safety of the remote state's citizens. If a remote state takes action, the remote state shall promptly notify the home state and the commission.

Sec. 5. If an individual's license in any home state is restricted or suspended, the individual shall not be eligible to practice in a remote state until the privilege to practice under the individual's home state license is restored.

Sec. 6. If an individual's privilege to practice in any remote state is restricted, suspended, or revoked, the individual shall not be eligible to practice in any remote state until that individual's privilege to practice is restored.

Chapter 5. Conditions of Practice in a Remote State

Sec. 1. An individual may practice in a remote state under a privilege to practice only in the performance of the individual's EMS duties as assigned by an appropriate authority, as defined in the rules of the commission and under the following circumstances:

(1) The individual originates a patient transport in a home state and transports the patient to a remote state.

(2) The individual originates in the home state and enters a remote state to pick up a patient and provide care and transport of the patient to the home state.

(3) The individual enters a remote state to provide patient care or transport within that remote state.

(4) The individual enters a remote state to pick up a patient and provide care and transport to a third member state.

(5) Other conditions as determined by rules promulgated by the commission.

Chapter 6. Relationship to Emergency Management Assistance Compact

Sec. 1. Upon a member state's governor's declaration of a state of emergency or disaster that activates the Emergency Management Assistance Compact (EMAC), all relevant terms and provisions of EMAC shall apply and to the extent any terms or provisions of this compact conflict with EMAC, the terms of EMAC shall prevail with respect to any individual practicing in the remote state in response to such declarations.

Chapter 7. Veterans, Service Members Separating from Active Duty Military, and Their Spouses

Sec. 1. Member states shall consider:

(1) a veteran;

(2) an active military service member;

(3) a member of the National Guard and reserves separating from an active duty tour; and

(4) a spouse of an individual described in subdivisions (1) through (3);

who holds a current valid and unrestricted NREMT certification at or above the level of the state license being sought as satisfying the minimum training and examination requirements for the licensure.

Sec. 2. Member states shall expedite the processing of licensure applications submitted by:

(1) veterans;

(2) active military service members;

(3) members of the National Guard and reserves, separating from an active duty; and

(4) the spouse of an individual described in subdivisions (1) through (3).

Sec. 3. All individuals functioning with a privilege to practice under this chapter remain subject to the adverse action provisions of IC 16-31.5-8.

Chapter 8. Adverse Actions

Sec. 1. A home state shall have exclusive power to impose adverse action against an individual's license issued by the home state.

Sec. 2. If an individual's license in any home state is restricted or suspended, the individual shall not be eligible to practice in a remote state under the privilege to practice until the individual's home state license is restored.

Sec. 3. (a) All home state adverse action orders shall include a statement that the individual's compact privileges are inactive. The order may allow the individual to practice in remote states with prior written authorization from both the home state and remote state's EMS authority.

(b) An individual currently subject to adverse action in the home state shall not practice in any remote state without prior authorization from both the home state and remote state's EMS authority.

Sec. 4. A member state shall report adverse actions and any occurrences that the individual's compact privileges are restricted,

suspended, or revoked to the commission in accordance with the rules of the commission.

Sec. 5. A remote state may take adverse action on an individual's privilege to practice within that state.

Sec. 6. Any member state may take adverse action against an individual's privilege to practice in that state based on the factual findings of another member state, so long as each state follows its own procedures for imposing the adverse action.

Sec. 7. A home state's EMS authority shall investigate and take appropriate action with respect to reported conduct in a remote state as the home state would if the conduct had occurred within the home state. In such cases, the home state's law shall control in determining the appropriate adverse action.

Sec. 8. (a) Nothing in this compact shall override a member state's decision that participation in an alternative program may be used in lieu of adverse action and that participation shall remain nonpublic if required by the member state's laws.

(b) Member states must require individuals who enter any alternative programs to agree not to practice in any other member state during the term of the alternative program without prior authorization from such other member state.

Chapter 9. Additional Powers Invested in a Member State's EMS Authority

Sec. 1. (a) A member state's EMS authority, in addition to any other powers granted under state law, is authorized under this compact to issue subpoenas for both hearings and investigations that require the attendance and testimony of witnesses and the production of evidence.

(b) Subpoenas issued by a member state's EMS authority for the attendance and testimony of witnesses, or the production of evidence from another member state, or both, shall be enforced in the remote state by any court of competent jurisdiction, according to that court's practice and procedure in considering subpoenas issued in its own proceedings.

(c) The issuing state EMS authority shall pay any witness fees, travel expenses, mileage, and other fees required by the service statutes of the state where the witnesses or evidence, or both, are located.

Sec. 2. A member state's EMS authority, in addition to any other powers granted under state law, is authorized under this compact to issue cease and desist orders to restrict, suspend, or revoke an individual's privilege to practice in the state.

Chapter 10. Establishment of the Interstate Commission for EMS Personnel Practice

Sec. 1. The compact states hereby create and establish a joint public agency known as the Interstate Commission for EMS Personnel Practice.

Sec. 2. (a) The commission is a body politic and an instrumentality of the compact states.

(b) Venue is proper and judicial proceedings by or against the commission shall be brought solely and exclusively in a court of competent jurisdiction where the principal office of the commission is located. The commission may waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution proceedings.

(c) Nothing in this compact shall be construed to be a waiver of sovereign immunity.

Sec. 3. (a) Each member state shall have and be limited to one (1) delegate. The responsible official of the state EMS authority or the official's designee shall be the delegate to this compact for each member state. Any delegate may be removed or suspended from office as provided by the law of the state from which the delegate is appointed.

(b) Any vacancy occurring in the commission shall be filled in accordance with the laws of the member state in which the vacancy exists. In the event that more than one (1) board, office, or other agency with the legislative mandate to license EMS personnel at and above the level of EMT exists, the governor of the state will determine which entity will be responsible for assigning the delegate.

(c) Each delegate shall be entitled to one (1) vote with regard to the promulgation of rules and creation of bylaws and shall otherwise have an opportunity to participate in the business and affairs of the commission. A delegate shall vote in person or by such other means as provided in the bylaws. The bylaws may

provide for delegates' participation in meetings by telephone or other means of communication.

Sec. 4. (a) The commission shall meet at least once during each calendar year. Additional meetings shall be held as set forth in the bylaws.

(b) All meetings shall be open to the public, and public notice of meetings shall be given in the same manner as required under the rulemaking provisions in IC 16-31.5-12.

(c) The commission may convene in a closed, nonpublic meeting if the commission must discuss the following:

(1) Noncompliance of a member state with its obligations under the compact.

(2) The employment, compensation, discipline, or other personnel matters, practice, or procedures related to specific employees or other matters related to the commission's internal personnel practice and procedures.

(3) Current, threatened, or reasonably anticipated litigation.

(4) Negotiation of contracts for the purchase or sale of goods, services, or real estate.

(5) Accusing any person of a crime or formally censuring any person.

(6) Disclosure of trade secrets or commercial or financial information that is privileged or confidential.

(7) Disclosure of information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy.

(8) Disclosure of investigatory records compiled for law enforcement purposes.

(9) Disclosure of information related to any investigatory reports prepared by or on behalf of or for use of the commission or other committee charged with responsibility of investigation or determination of compliance issues pursuant to the compact.

(10) Matters specifically exempted from disclosure by federal or member state statute.

(d) If a meeting or portion of a meeting is closed pursuant to this section, the commission's legal counsel or designee shall certify that

the meeting may be closed and shall reference each relevant exempting provision.

(e) The commission shall keep minutes that fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, and the reasons therefore, including a description of the views expressed. All documents considered in connection with an action shall be identified in the minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release by a majority vote of the commission or order of a court of competent jurisdiction.

Sec. 5. The commission shall, by a majority vote of the delegates, prescribe bylaws or rules, or both, to govern the commission's conduct as may be necessary or appropriate to carry out the purposes and exercise the powers of the compact, including, but not limited to, the following:

(1) Establishing the fiscal year of the commission.

(2) Providing reasonable standards and procedures:

(A) for the establishment and meetings of other committees; and

(B) governing any general or specific delegation of any authority or function of the commission.

(3) Providing reasonable procedures for calling and conducting meetings of the commission, ensuring reasonable advance notice of all meetings, and providing an opportunity for attendance of such meetings by interested parties, with enumerated exceptions designed to protect the public's interest, the privacy of individuals, and proprietary information, including trade secrets. The commission may meet in closed session only after a majority of the membership votes to close a meeting in whole or in part. As soon as practicable, the commission must make public a copy of the vote to close the meeting revealing the vote of each member with no proxy votes allowed.

(4) Establishing the titles, duties and authority, and reasonable procedures of the election of the officers of the commission.

(5) Providing reasonable standards and procedures for the establishment of the personnel policies and programs of the

commission. Notwithstanding any civil service or other similar laws of any member state, the bylaws shall exclusively govern the personnel policies and programs of the commission.

(6) Promulgating a code of ethics to address permissible and prohibited activities of commission members and employees.

(7) Providing a mechanism for winding up the operations of the commission and the equitable disposition of any surplus funds that may exist after the termination of the compact after the payment or reserving of all the commission's debts and obligations, or both.

Sec. 6. (a) The commission shall publish the commission's bylaws and file a copy thereof, and a copy of any amendment thereto, with the appropriate agency or officer in each of the member states, if any.

(b) The commission shall maintain the commission's financial records in accordance with the bylaws.

Sec. 7. The commission shall meet and take such actions as are consistent with the provisions of this compact and the bylaws.

Sec. 8. The commission shall have the following powers:

(1) To promulgate uniform rules to facilitate and coordinate implementation and administration of this compact. The rules shall have the force and effect of law and shall be binding in all member states.

(2) To bring and prosecute legal proceedings or actions in the name of the commission, provided that the standing of any state EMS authority or other regulatory body responsible for EMS personnel licensure to sue or be sued under applicable law shall not be affected.

(3) To purchase and maintain insurance and bonds.

(4) To borrow, accept, or contract for services of personnel, including, but not limited to, employees of a member state.

(5) To hire employees, elect or appoint officers, fix compensation, define duties, grant such individuals appropriate authority to carry out the purposes of the compact, and to establish the commission's personnel policies and programs relating to conflicts of interest, qualifications of personnel, and other related personnel matters.

(6) To accept any and all appropriate donations and grants of money, equipment, supplies, materials, and services, and to receive, utilize, and dispose of the same, provided that at all times the commission shall strive to avoid any appearance of impropriety or conflict of interest, or both.

(7) To lease, purchase, accept appropriate gifts or donations of, or otherwise to own, hold, improve or use, any property, real, personal, or mixed, provided that at all times the commission shall strive to avoid any appearance of impropriety.

(8) To sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property, real, personal, or mixed.

(9) To establish a budget and make expenditures.

(10) To borrow money.

(11) To appoint committees, including advisory committees comprised of members, state regulators, state legislators or their representatives, consumer representatives, and such other interested persons as may be designated in this compact and the bylaws.

(12) To provide and receive information from, and to cooperate with, law enforcement agencies.

(13) To adopt and use an official seal.

(14) To perform such other functions as may be necessary or appropriate to achieve the purposes of this compact consistent with the state regulation of EMS personnel licensure and practice.

Sec. 9. (a) The commission shall pay, or provide for the payment of, the reasonable expenses of the commission's establishment, organization, and ongoing activities.

(b) The commission may accept any and all appropriate revenue sources, donations, and grants of money, equipment, supplies, materials, and services.

(c) The commission may levy on and collect an annual assessment from each member state or impose fees on other parties to cover the cost of the operations and activities of the commission and the commission's staff, which must be in a total amount sufficient to cover its annual budget as approved each year for

which revenue is not provided by other sources. The aggregate annual assessment amount shall be allocated based upon a formula to be determined by the commission, which shall promulgate a rule binding upon all member states.

(d) The commission shall not incur obligations of any kind prior to securing the funds adequate to meet the obligations, nor shall the commission pledge the credit of any of the member states, except by and with the authority of the member state.

(e) The commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the commission shall be subject to the audit and accounting procedures established under the commission's bylaws. However, all receipts and disbursements of funds handled by the commission shall be audited yearly by a certified or licensed public accountant, and the report of the audit shall be included in and become a part of the annual report of the commission.

Sec. 10. (a) The members, officers, executive director, employees, and representatives of the commission shall be immune from suit and liability, either personally or in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused by or arising out of any actual or alleged act, error, or omission that occurred, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of commission employment, duties, or responsibilities, provided that nothing in this subsection shall be construed to protect any such person from suit or liability, or both, for any damage, loss, injury, or liability caused by the intentional or willful or wanton misconduct of that person.

(b) The commission shall defend any member, officer, executive director, employee, or representative of the commission in any civil action seeking to impose liability arising out of any actual or alleged act, error, or omission that occurred within the scope of commission employment, duties, or responsibilities, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of commission employment, duties, or responsibilities, provided that nothing in this subsection shall be construed to prohibit that person from retaining the person's own counsel, and provided further that the actual or

alleged act, error, or omission did not result from that person's intentional or willful or wanton misconduct.

(c) The commission shall indemnify and hold harmless any member, officer, executive director, employee, or representative of the commission for the amount of any settlement or judgment obtained against that person arising out of any actual or alleged act, error, or omission that occurred within the scope of commission employment, duties, or responsibilities, or that such person had a reasonable basis for believing occurred within the scope of commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from the intentional or willful or wanton misconduct of that person.

Chapter 11. Coordinated Data Base

Sec. 1. The commission shall provide for the development and maintenance of a coordinated data base and reporting system containing licensure, adverse action, and significant investigatory information on all licensed individuals in member states.

Sec. 2. Notwithstanding any other provision of state law to the contrary, a member state shall submit a uniform data set to the coordinated data base on all individuals to whom this compact is applicable as required by the rules of the commission, including the following:

(1) Identifying information.

(2) Licensure data.

(3) Significant investigatory information.

(4) Adverse actions against an individual's license.

(5) An indicator that an individual's privilege to practice is restricted, suspended, or revoked.

(6) Nonconfidential information related to alternative program participants.

(7) Any denial of application for licensure, and the reasons for such denial.

(8) Other information that may facilitate the administration of this compact, as determined by the rules of the commission.

Sec. 3. The coordinated data base administrator shall promptly notify all member states of any adverse action taken against, or

significant investigative information on, any individual in a member state.

Sec. 4. Member states contributing information to the coordinated data base may designate information that may not be shared with the public without the express permission of the contributing state.

Sec. 5. Any information submitted to the coordinated data base that is subsequently required to be expunged by the laws of the member state contributing the information shall be removed from the coordinated data base.

Chapter 12. Rulemaking

Sec. 1. The commission shall exercise the commission's rulemaking powers pursuant to the criteria set forth in this chapter and the rules adopted thereunder. Rules and amendments shall become binding as of the date specified in each rule or amendment.

Sec. 2. If a majority of the legislatures of the member states rejects a rule, by enactment of a statute or resolution in the same manner used to adopt the compact, then the rule shall have no further force and effect in any member state.

Sec. 3. Rules or amendments to the rules shall be adopted at a regular or special meeting of the commission.

Sec. 4. (a) Prior to promulgation and adoption of a final rule by the commission, and at least sixty (60) days in advance of the meeting at which the rule will be considered and voted upon, the commission shall file a notice of proposed rulemaking:

(1) on the Internet web site of the commission; and

(2) on the Internet web site of each member state EMS authority or the publication in which each state would otherwise publish proposed rules.

(b) The notice of proposed rulemaking shall include:

(1) the proposed time, date, and location of the meeting in which the rule will be considered and voted upon;

(2) the text of the proposed rule or amendment and the reason for the proposed rule;

(3) a request for comments on the proposed rule from any interested person; and

(4) the manner in which interested persons may submit notice to the commission of their intention to attend the public hearing and any written comments.

Sec. 5. Prior to adoption of a proposed rule, the commission shall allow persons to submit written data, facts, opinions, and arguments, which shall be made available to the public.

Sec. 6. The commission shall grant an opportunity for a public hearing before the commission adopts a rule or amendment if a hearing is requested by:

(1) at least twenty-five (25) persons;

(2) a governmental subdivision or agency; or

(3) an association having at least twenty-five (25) members.

Sec. 7. (a) If a hearing is held on the proposed rule or amendment, the commission shall publish the place, time, and date of the scheduled public hearing.

(b) All persons wishing to be heard at the hearing shall notify the executive director of the commission or other designated member in writing of their desire to appear and testify at the hearing not less than five (5) business days before the scheduled date of the hearing.

(c) Hearings shall be conducted in a manner providing each person who wishes to comment a fair and reasonable opportunity to comment orally or in writing.

(d) No transcript of the hearing is required, unless a written request for a transcript is made, in which case the person requesting the transcript shall bear the cost of producing the transcript. A recording may be made in lieu of a transcript under the same terms and conditions as a transcript. This subsection shall not preclude the commission from making a transcript of the recording of the hearing if it so chooses.

(e) Nothing in this section shall be construed as requiring a separate hearing on each rule. Rules may be grouped for the convenience of the commission at hearings required by this chapter.

Sec. 8. Following the scheduled hearing date, or by the close of business on the scheduled hearing date if the hearing was not held, the commission shall consider all written and oral comments received.

Sec. 9. The commission shall, by majority vote of all members, take final action on the proposed rule and shall determine the effective date of the rule, if any, based on the rulemaking record and the full text of the rule.

Sec. 10. If no written notice of intent to attend the public hearing by interested parties is received, the commission may proceed with promulgation of the proposed rule without a public hearing.

Sec. 11. Upon determination that an emergency exists, the commission may consider and adopt an emergency rule without prior notice, opportunity for comment, or hearing, provided that the usual rulemaking procedures provided in the compact and in this chapter shall be retroactively applied to the rule as soon as reasonably possible, in no event later than ninety (90) days after the effective date of the rule. For purposes of this section, an emergency rule is one that must be adopted immediately in order to:

(1) meet an imminent threat to public health, safety, or welfare;

(2) prevent a loss of commission or member state funds;

(3) meet a deadline for the promulgation of an administrative rule that is established by federal law or rule; or

(4) protect public health and safety.

Sec. 12. (a) The commission or an authorized committee of the commission may direct revisions to a previously adopted rule or amendment for purposes of correcting typographical errors, errors in format, errors in consistency, or grammatical errors. Public notice of any revisions shall be posted on the Internet web site of the commission.

(b) The revisions shall be subject to challenge by any person for a period of thirty (30) days after posting. The revision may be challenged only on grounds that the revision results in a material change to a rule.

(c) A challenge shall be made in writing, and delivered to the chair of the commission prior to the end of the notice period. If no challenge is made, the revision will take effect without further action. If the revision is challenged, the revision may not take effect without the approval of the commission.

Chapter 13. Oversight, Dispute Resolution, and Enforcement

Sec. 1. (a) The executive, legislative, and judicial branches of state government in each member state shall enforce this compact and take all actions necessary and appropriate to effectuate the compact's purposes and intent. The provisions of this compact and the rules promulgated hereunder shall have standing as statutory law.

(b) All courts shall take judicial notice of the compact and the rules in any judicial or administrative proceeding in a member state pertaining to the subject matter of this compact that may affect the powers, responsibilities, or actions of the commission.

(c) The commission shall be entitled to receive service of process in any proceeding described in this section, and shall have standing to intervene in the proceeding for all purposes. Failure to provide service of process to the commission shall render a judgment or order void as to the commission, this compact, or promulgated rules.

Sec. 2. (a) If the commission determines that a member state has defaulted in the performance of the obligations or responsibilities under this compact or the promulgated rules, the commission shall:

(1) provide written notice to the defaulting state and other member states of the nature of the default, the proposed means of curing the default, or any other action to be taken by the commission; and

(2) provide remedial training and specific technical assistance regarding the default.

(b) If a state in default fails to cure the default, the defaulting state may be terminated from the compact upon an affirmative vote of a majority of the member states, and all rights, privileges, and benefits conferred by this compact may be terminated on the effective date of the termination. A cure of the default does not relieve the offending state of obligations or liabilities incurred during the period of default.

(c) Termination of membership in the compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate shall be given by the commission to the governor, the majority and minority

leaders of the defaulting state's legislature, and each of the member states.

(d) A state that has been terminated is responsible for all assessments, obligations, and liabilities incurred through the effective date of termination, including obligations that extend beyond the effective date of termination.

(e) The commission shall not bear any costs related to a state that is found to be in default or that has been terminated from the compact, unless agreed upon in writing between the commission and the defaulting state.

(f) The defaulting state may appeal the action of the commission by petitioning the United States District Court for the District of Columbia or the federal district where the commission has the commission's principal offices. The prevailing member shall be awarded all costs of the litigation, including reasonable attorney's fees.

Sec. 3. (a) Upon request by a member state, the commission shall attempt to resolve disputes related to the compact that arise among member states and between member and nonmember states.

(b) The commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes, as appropriate.

Sec. 4. (a) The commission, in the reasonable exercise of the commission's discretion, shall enforce the provisions and rules of this compact.

(b) By majority vote, the commission may initiate legal action in the United States District Court for the District of Columbia or the federal district where the commission has the commission's principal offices against a member state in default to enforce compliance with the provisions of the compact and its promulgated rules and bylaws. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing member shall be awarded all costs of the litigation, including reasonable attorney's fees.

(c) The remedies under this chapter shall not be the exclusive remedies of the commission. The commission may pursue any other remedies available under federal or state law.

Chapter 14. Date of Implementation of the Interstate Commission for EMS Personnel Practice and Associated Rules, Withdrawal, and Amendment

Sec. 1. The compact shall come into effect on the date on which the compact statute is enacted into law in the tenth member state. The provisions, which become effective at that time, shall be limited to the powers granted to the commission relating to assembly and the promulgation of rules. Thereafter, the commission shall meet and exercise rulemaking powers necessary to the implementation and administration of the compact.

Sec. 2. Any state that joins the compact subsequent to the commission's initial adoption of the rules shall be subject to the rules as they exist on the date on which the compact becomes law in that state. Any rule that has been previously adopted by the commission shall have the full force and effect of law on the day the compact becomes law in that state.

Sec. 3. (a) Any member state may withdraw from this compact by enacting a statute repealing the compact.

(b) A member state's withdrawal shall not take effect until six (6) months after enactment of the repealing statute.

(c) Withdrawal shall not affect the continuing requirement of the withdrawing state's EMS authority to comply with the investigative and adverse action reporting requirements of this act prior to the effective date of withdrawal.

Sec. 4. Nothing contained in this compact shall be construed to invalidate or prevent any EMS personnel licensure agreement or other cooperative arrangement between a member state and a nonmember state that does not conflict with the provisions of this compact.

Sec. 5. This compact may be amended by the member states. No amendment to this compact shall become effective and binding upon any member state until the amendment is enacted into the laws of all member states.

Chapter 15. Construction and Severability

Sec. 1. This compact shall be liberally construed so as to effectuate the purposes thereof. If this compact shall be held contrary to the constitution of any member state, the compact shall remain in full force and effect as to the remaining member states.

Sec. 2. Nothing in this compact supersedes state law or rules related to licensure of EMS agencies.

SECTION 2. IC 34-30-2-70.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 70.5. IC 16-31.5-10-10 (Concerning the interstate commission for EMS personnel and practice).**

P.L.4-2020
[S.139. Approved March 11, 2020.]

AN ACT to amend the Indiana Code concerning trusts and fiduciaries.

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

SECTION 1. IC 29-3-1-15.5, AS AMENDED BY P.L.72-2010, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 15.5. "Volunteer advocate for **seniors and** incapacitated adults" means an individual who:

(1) is a volunteer;

(2) has completed a guardian training program approved by a court;

(3) is supervised by a volunteer advocates for **seniors and** incapacitated adults program that is appointed by a court to serve as a guardian for **a senior or** an incapacitated person who is at least eighteen (18) years of age; and

(4) provides reports and makes recommendations to a court.

SECTION 2. IC 29-3-1-16 IS REPEALED [EFFECTIVE JULY 1, 2020]. ~~Sec. 16. "Volunteer advocate for seniors" means an individual who:~~

~~(1) is a volunteer;~~

~~(2) has completed a guardian training program approved by a court;~~

~~(3) is supervised by a volunteer advocates for seniors program that is appointed by a court to serve as a guardian for an incapacitated person who is at least fifty-five (55) years of age; and~~

~~(4) provides reports and makes recommendations to a court.~~

SECTION 3. IC 29-3-1-17, AS ADDED BY P.L.72-2010, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 17. "Volunteer advocates for **seniors and** incapacitated adults program" means:

(1) an Indiana nonprofit or municipal corporation;

(2) a program of an Indiana nonprofit or municipal corporation; or

(3) a program operated by a county or court;

that is appointed by a court to serve as a guardian for **a senior or** an incapacitated person who is at least eighteen (18) years of age and trains and supervises volunteers in a court approved guardian program for seniors and incapacitated adults **and is certified by the Indiana supreme court as a volunteer advocate for seniors and incapacitated adults program.**

SECTION 4. IC 29-3-1-18 IS REPEALED [EFFECTIVE JULY 1, 2020]. ~~Sec. 18. "Volunteer advocates for seniors program" means:~~

~~(1) an Indiana nonprofit or municipal corporation;~~

~~(2) a program of an Indiana nonprofit or municipal corporation; or~~

~~(3) a program operated by a county or court;~~

~~that is appointed by a court to serve as a guardian for an incapacitated person who is at least fifty-five (55) years of age and trains and supervises volunteers in a court approved guardian program for incapacitated persons who are at least fifty-five (55) years of age.~~

SECTION 5. IC 29-3-8.5-1, AS AMENDED BY P.L.72-2010, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1. A court in a proceeding under this article may appoint a volunteer advocates for seniors ~~program or a volunteer advocates for~~ **and** incapacitated adults program.

SECTION 6. IC 29-3-8.5-2, AS AMENDED BY P.L.72-2010, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

JULY 1, 2020]: Sec. 2. A volunteer advocates for seniors ~~program or a volunteer advocates for~~ **and** incapacitated adults program shall submit to the court:

(1) a progress report thirty (30) days after the date of appointment describing:

(A) the matters required by the court; and

(B) the:

(i) current physical and mental condition;

(ii) residential placement; ~~and~~

(iii) person centered care plan; and

~~(iii)~~ **(iv)** property, and any property related issues;

of the senior or the incapacitated adult;

(2) a progress report sixty (60) days after the date of appointment:

(A) describing the matters required by the court; and

(B) that includes a verified inventory describing the property, and any property related issues, of the incapacitated adult or senior;

(3) a progress report or final report ninety (90) days after the date of appointment:

(A) describing the matters required by the court; ~~and~~

(B) describing the person centered care plan; and

~~(B)~~ **(C)** making recommendations to the court as to whether the need continues to exist for the appointment of a guardian of the incapacitated adult or senior;

(4) an annual progress report on the anniversary date of the appointment if the appointment of the volunteer advocate is continued by the court for more than one (1) year:

(A) describing the matters required by the court;

(B) describing the:

(i) current physical and mental condition;

(ii) residential placement; ~~and~~

(iii) person centered care plan; and

~~(iii)~~ **(iv)** property, and any property related issues;

of the senior or the incapacitated adult; and

(C) making recommendations to the court as to whether the need continues to exist for the appointment of a guardian of the incapacitated adult or senior; and

(5) upon the death of the incapacitated person, a final report and financial accounting:

(A) describing the incapacitated person's:

(i) final physical and mental condition;

(ii) cause of death;

(iii) last residential placement; and

(iv) final burial arrangements;

(B) stating the actions taken by the program regarding the:

(i) person's care and custody; and

(ii) preservation of the person's property;

(C) making recommendations to the court to close the guardianship of the person; and

(D) containing all other matters required by the court.

SECTION 7. IC 29-3-8.5-3, AS AMENDED BY P.L.72-2010, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 3. (a) A volunteer advocates for seniors ~~program or a volunteer advocates for~~ **and** incapacitated adults program shall:

(1) serve as a guardian to represent and protect the best interests of an incapacitated person or senior including the person's property;

(2) investigate and gather information regarding the health, welfare, and financial circumstances of the incapacitated person or senior, as directed by a court;

(3) facilitate and authorize health care, social welfare, and residential placement services as needed by the incapacitated person or senior;

(4) advocate for the rights of the incapacitated person or senior;

(5) facilitate legal representation for the incapacitated person or senior;

(6) provide the court with the required reports under section 2 of this chapter; and

(7) perform any other responsibilities required by the court.

(b) A volunteer advocates for seniors ~~program or a volunteer advocates for~~ **and** incapacitated adults program has the duties of the guardian of a minor listed in IC 29-3-8-1 and IC 29-3-8-3.

SECTION 8. IC 29-3-8.5-4, AS AMENDED BY P.L.83-2014, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

JULY 1, 2020]: Sec. 4. (a) A volunteer advocates for seniors ~~program or a volunteer advocates for~~ **and** incapacitated adults program may:

(1) consent to ~~medical~~ **health care (as defined in IC 16-36-1-1)** and other professional care and treatment for the incapacitated person's or senior's health and welfare;

(2) secure the appointment of a guardian or coguardian in another state;

(3) take custody of the incapacitated person or senior and establish the incapacitated person's or senior's residence within Indiana or another state in accordance with IC 29-3-9-2;

(4) institute proceedings or take other appropriate action to compel the performance by any person of a duty to support the incapacitated person's or senior's health or welfare;

(5) protect and preserve the property of the incapacitated person or senior and preserve any property in excess of the incapacitated person's or senior's current needs;

(6) delegate to the incapacitated person or senior certain responsibilities for decisions affecting the incapacitated person's or senior's business affairs and well-being; and

(7) petition the court to request the authority to petition for dissolution of marriage, legal separation, or annulment of marriage on behalf of an incapacitated person as provided under IC 29-3-9-12.2.

(b) A volunteer advocates for seniors ~~program or a volunteer advocates for~~ **and** incapacitated adults program may exercise the powers of a guardian of a minor listed in IC 29-3-8-2 and IC 29-3-8-4.

SECTION 9. IC 29-3-8.5-5, AS AMENDED BY P.L.72-2010, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 5. (a) If a court appoints a volunteer advocates for seniors ~~program or a volunteer advocates for~~ **and** incapacitated adults program, the initial appointment shall be for a period of ninety (90) days.

(b) After the initial ninety (90) day period, the court may, upon petition by the volunteer advocates for seniors ~~program or volunteer advocates for~~ **and** incapacitated adults program or upon the court's own motion, extend the appointment for a period as determined by the court to be necessary to protect the best interests and property of the incapacitated person or senior.

SECTION 10. IC 29-3-8.5-6, AS AMENDED BY P.L.72-2010, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 6. A volunteer advocates for seniors ~~program or a volunteer advocates for~~ **and** incapacitated adults program is considered an officer of the court for the purpose of representing the interests of an incapacitated person or senior.

SECTION 11. IC 29-3-8.5-7, AS AMENDED BY P.L.11-2006, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 7. The court may appoint an attorney to represent a volunteer advocate for seniors ~~or a volunteer advocate for~~ **and** incapacitated adults.

SECTION 12. IC 29-3-8.5-8, AS AMENDED BY P.L.11-2006, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 8. Except for gross misconduct:

(1) a volunteer advocate for seniors ~~program or a volunteer advocate for~~ **and** incapacitated adults program that;

(2) an employee of a volunteer advocates for seniors ~~program or a volunteer advocate for~~ **and** incapacitated adults program who; or

(3) a volunteer for a volunteer advocates for seniors ~~program or a volunteer advocate for~~ **and** incapacitated adults program who;

performs duties in good faith is immune from any civil liability resulting from the program's, employee's, or volunteer's performance.

SECTION 13. IC 29-3-8.5-9 IS REPEALED [EFFECTIVE JULY 1, 2020]. ~~Sec. 9. A volunteer advocates for seniors program or a volunteer advocates for incapacitated adults program under this chapter is not authorized to consent to or refuse health care (as defined in IC 16-36-1-1) for an individual if:~~

~~(1) a spouse, a parent, an adult child, or an adult sibling of the individual or the individual's religious superior, if the individual is a member of a religious order, is available, capable, and suitable to consent to or refuse the health care on behalf of the individual; or~~

~~(2) the individual has previously:~~

~~(A) appointed a health care representative under IC 16-36-1;~~

~~(B) authorized health care under IC 16-36-1.5, IC 16-36-4, or IC 16-36-5;~~

~~(C) executed a power of attorney under IC 30-5-4; or~~

~~(D) had a guardian appointed by the court under IC 29-3.~~

SECTION 14. IC 29-3-8.5-9.5, AS ADDED BY P.L.72-2010, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 9.5. IC 29-3-8-5 through IC 29-3-8-8 apply to a volunteer advocates for seniors ~~program or a volunteer advocates for~~ **and** incapacitated adults program under this chapter.

SECTION 15. IC 29-3-8.5-10, AS ADDED BY P.L.72-2010, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 10. (a) A volunteer advocates for seniors ~~program or a volunteer advocates for~~ **and** incapacitated adults program may petition the court for reasonable compensation for services provided or for expenditures made in good faith on behalf of the incapacitated adult or senior.

(b) A court may grant reasonable compensation or expenditure reimbursement to a volunteer advocates for seniors ~~program or a volunteer advocates for~~ **and** incapacitated adults program upon the court's own motion.

SECTION 16. IC 29-3-8.5-11, AS ADDED BY P.L.72-2010, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 11. (a) Courts with probate jurisdiction that are located in adjacent counties may establish joint or multiple county volunteer advocates for seniors ~~programs or volunteer advocates for~~ **and** incapacitated adults programs.

(b) Courts with probate jurisdiction may contract with an Indiana nonprofit or municipal corporation to provide volunteer advocates for seniors ~~programs or volunteer advocates for~~ **and** incapacitated adults programs.

SECTION 17. IC 29-3-8.5-12, AS ADDED BY P.L.72-2010, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 12. (a) A volunteer advocates for seniors ~~program or volunteer advocates for~~ **and** incapacitated adults program that is a program of an Indiana nonprofit corporation must establish policies and procedures to avoid a conflict of interest if the nonprofit corporation is also a provider of other necessary services to the incapacitated individual.

(b) A volunteer advocates for seniors ~~program or volunteer advocates for~~ **and** incapacitated adults program to which subsection (a) applies shall advise the court of the policies and procedures established

to avoid a conflict of interest in the petition to the court for guardianship of the incapacitated individual.

SECTION 18. IC 29-3-9-2, AS AMENDED BY P.L.11-2006, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 2. A guardian (other than a temporary guardian) **or** a volunteer advocate for seniors ~~or a volunteer advocate for~~ **and** incapacitated adults appointed under IC 29-3-8.5 may, with the approval of and under such conditions as may be imposed by the court after notice and hearing, change the physical presence of the protected person to another place in Indiana or to another state if the court finds that such a change is in the best interests of the protected person. Upon such a change, the guardianship may be limited or terminated by the court.

SECTION 19. IC 34-30-2-125.5, AS AMENDED BY P.L.11-2006, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 125.5. IC 29-3-8.5-8 (Concerning a volunteer advocate for seniors ~~or a volunteer advocate for~~ **and** incapacitated adults).

P.L.5-2020
[S.180. Approved March 11, 2020.]

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

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

SECTION 1. IC 5-10-1.1-3.5, AS AMENDED BY P.L.177-2014, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 3.5. (a) This section applies to an individual who becomes an employee of the state after June 30, 2007.

(b) Unless an employee notifies the state that the employee does not want to enroll in the deferred compensation plan, on day thirty-one (31) of the employee's employment:

(1) the employee is automatically enrolled in the deferred compensation plan; and

(2) the state is authorized to begin deductions as otherwise allowed under this chapter.

(c) The auditor of state shall provide ~~written~~ notice to an employee of the provisions of this chapter. The notice provided under this subsection must:

~~(1) be provided:~~

~~(A) with the employee's first paycheck; and~~

~~(B) on paper that is a color that is separate and distinct from the color of the employee's paycheck;~~

~~(2)~~ **(1)** contain a statement concerning:

(A) the purposes of;

(B) procedures for notifying the state that the employee does not want to enroll in;

(C) the tax consequences of; and

(D) the details of the state match for employee contribution to;

the deferred compensation plan; and

~~(3)~~ **(2)** list the telephone number, electronic mail address, and other contact information for ~~the auditor of state, who serves as~~ **the** plan administrator.

(d) This subsection applies to contributions made before July 1, 2011. Notwithstanding IC 22-2-6, except as provided by subsection (h), the state shall deduct from an employee's compensation as a contribution to the deferred compensation plan established by the state under this chapter an amount equal to the maximum amount of any match provided by the state on behalf of the employee to a defined contribution plan established under section 1.5(a) of this chapter.

(e) This subsection applies to contributions made after June 30, 2011, and before July 1, 2013. Notwithstanding IC 22-2-6 and except as provided by subsection (h), during the first year an employee is enrolled under subsection (b) in the deferred compensation plan, the state shall deduct each pay period from the employee's compensation as a contribution to the deferred compensation plan an amount equal to the greater of the following:

(1) The maximum amount of any match provided by the state on behalf of the employee to a defined contribution plan established under section 1.5(a) of this chapter.

(2) One-half percent (0.5%) of the employee's base salary.

(f) This subsection applies to contributions made after June 30, 2013. Notwithstanding IC 22-2-6 and except as provided by subsection (h), during the first year an employee is enrolled under subsection (b) in the deferred compensation plan, the state shall deduct each pay period from the employee's compensation as a contribution to the deferred compensation plan an amount equal to the greater of the following:

(1) The maximum amount of any match provided by the state on behalf of the employee to a defined contribution plan established under section 1.5(a) of this chapter.

(2) Two percent (2%) of the employee's base salary.

(g) This subsection applies to a year:

(1) after the first year in which an employee is enrolled in the deferred compensation plan; and

(2) in which the employee does not affirmatively choose a contribution amount under subsection (h).

The percentage of the employee's base salary used for the year in subsection (e)(2) or (f)(2) to determine the employee's contribution increases by one-half percent (0.5%) from the percentage determined in the immediately preceding year. The maximum percentage of an employee's base salary that may be deducted under this subsection is five percent (5%). The contribution increase occurs on the anniversary date of the employee's enrollment in the deferred compensation plan.

(h) An employee may contribute to the deferred compensation plan established by the state under this chapter an amount other than the amount described in subsections (d) through (g) by affirmatively choosing to contribute:

(1) a higher amount;

(2) a lower amount; or

(3) zero (0).

P.L.6-2020
[S.181. Approved March 11, 2020.]

AN ACT to amend the Indiana Code concerning pensions.

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

SECTION 1. IC 5-10-5.5-0.1, AS ADDED BY P.L.220-2011, SECTION 64, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE FEBRUARY 1, 2018 (RETROACTIVE)]: Sec. 0.1. (a) As used in this section, "plan" refers to the state excise police, gaming agent, gaming control officer, and conservation enforcement officers' retirement plan established by section 2 of this chapter.

(b) The following amendments to this chapter apply as follows:

(1) The addition of section 7.5 of this chapter by P.L.180-2007 applies after June 30, 2007, to active participants of the plan.

(2) The amendments made to section 8 of this chapter by P.L.180-2007 apply after June 30, 2007, to active participants of the plan.

(3) The amendments made to sections 10, 11, and 12 of this chapter by P.L.180-2007 apply to participants of the plan who retire after June 30, 2007.

(4) The amendments made to sections 7 and 13.5 of this chapter by P.L.180-2007 apply to participants of the plan who become disabled after June 30, 2007.

(5) The addition of section 22 of this chapter by P.L.128-2008 applies only to a participant in the plan who is in active service after June 30, 2008.

(6) The amendments made to sections 9 and 10 of this chapter by P.L.128-2008 apply only to a participant in the plan who is in active service after June 30, 2008.

(c) Notwithstanding any other law, if a participant dies in the line of duty after January 31, 2018, and before April 1, 2020, and

a survivors' benefit is paid under section 17(b) of this chapter to the participant's survivor, either:

(1) the survivor may repay the full amount distributed under section 17(b) of this chapter and the board shall provide the full annual survivors' allowance allowed under section 16.6 of this chapter; or

(2) the board may adjust the amount of the full annual survivors' allowance allowed under section 16.6 of this chapter to account for any amount distributed under section 17(b) of this chapter.

SECTION 2. IC 5-10-5.5-1, AS AMENDED BY P.L.35-2012, SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE FEBRUARY 1, 2018 (RETROACTIVE)]: Sec. 1. ~~As used in~~ **The following definitions apply throughout** this chapter, ~~and~~ unless the context clearly denotes otherwise:

(1) "Americans with Disabilities Act" refers to the Americans with Disabilities Act (42 U.S.C. 12101 et seq.) and any amendments and regulations related to the Act.

(2) "Average annual salary" means the average annual salary of an officer during the five (5) years of highest annual salary in the ten (10) years immediately preceding an officer's retirement date, determined without regard to any salary reduction agreement established under Section 125 of the Internal Revenue Code.

~~(1)~~ **(3)** "Board" refers to the board of trustees of the Indiana public retirement system established by IC 5-10.5-3-1.

(4) "Commission" means the alcohol and tobacco commission.

~~(2)~~ **(5)** "Department" means the Indiana department of natural resources.

~~(3) "Commission" means the alcohol and tobacco commission.~~

(6) "Dies in the line of duty" means death that occurs as a direct result of personal injury or illness caused by incident, accident, or violence that results from any action that the participant, in the participant's capacity as an officer:

(A) is obligated or authorized by rule, regulation, condition of employment or service, or law to perform; or

(B) performs in the course of controlling or reducing crime or enforcing the criminal law.

The term includes a death presumed incurred in the line of duty under IC 5-10-13 for an officer who is an Indiana state excise police officer or an Indiana state conservation enforcement officer.

(7) "Interest" means the rate of interest specified by rule by the board of trustees of the Indiana public retirement system established by IC 5-10.5-3-1.

~~(4)~~ **(8)** "Officer" means any Indiana state excise police officer, any Indiana state conservation enforcement officer, any gaming agent, or any gaming control officer.

~~(5)~~ **(9)** "Participant" means any officer who has elected to participate in the retirement plan created by this chapter.

~~(6) "Salary" means the total compensation, exclusive of expense allowances, paid to any officer by the department or the commission, determined without regard to any salary reduction agreement established under Section 125 of the Internal Revenue Code.~~

~~(7) "Average annual salary" means the average annual salary of an officer during the five (5) years of highest annual salary in the ten (10) years immediately preceding an officer's retirement date, determined without regard to any salary reduction agreement established under Section 125 of the Internal Revenue Code.~~

~~(8)~~ **(10)** "Public employees' retirement act" means IC 5-10.3.

~~(9)~~ **(11)** "Public employees' retirement fund" ~~means~~ **refers to** the public employees' retirement fund created by IC 5-10.3-2.

~~(10) "Interest" means the rate of interest specified by rule by the board of trustees of the Indiana public retirement system established by IC 5-10.5-3-1.~~

~~(11) "Americans with Disabilities Act" refers to the Americans with Disabilities Act (42 U.S.C. 12101 et seq.) and any amendments and regulations related to the Act.~~

(12) "Salary" means the total compensation, exclusive of expense allowances, paid to any officer by the department or the commission, determined without regard to any salary reduction agreement established under Section 125 of the Internal Revenue Code.

~~(12)~~ **(13)** Other words and phrases when used in this chapter ~~shall, for the purposes of this chapter,~~ have the meanings ~~respectively ascribed to them as~~ set forth in IC 5-10.3-1.

SECTION 3. IC 5-10-5.5-15, AS AMENDED BY P.L.136-2018, SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018 (RETROACTIVE)]: Sec. 15. **(a) This subsection applies to participants who die before February 1, 2018.** Surviving mothers, fathers, surviving spouses or unmarried children under the age of eighteen (18) years, of participants who have accrued at least fifteen (15) years of creditable service and who die, shall be entitled to receive survivors' benefits in the amount provided in this chapter. ~~Survivor's~~ **Survivors'** benefits shall be paid to such of the above enumerated persons as the participant shall nominate by written direction duly acknowledged and filed with the board.

(b) This subsection applies to participants who die after January 31, 2018. Only surviving mothers, fathers, surviving spouses, or unmarried children under the age of eighteen (18) years of participants who die are eligible to receive survivors' benefits in the amount provided by this chapter. Survivors' benefits shall be paid to those eligible persons whom the participant nominates by written direction duly acknowledged and filed with the board.

SECTION 4. IC 5-10-5.5-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE FEBRUARY 1, 2018 (RETROACTIVE)]: Sec. 16. (a) **This section applies to participants who die before February 1, 2018.**

(b) Benefits provided under this section are subject to section 2.5 of this chapter.

~~(b)~~ **(c)** A surviving mother or father nominated by the participant to receive survivors' benefits under the provisions of this chapter shall be entitled to an annual survivors' allowance for life equal to fifty percent (50%) of the amount the participant would have been entitled to if ~~he~~ **the participant** had retired.

~~(c)~~ **(d)** A surviving spouse nominated by the participant to receive survivors' benefits under the provisions of this chapter shall be entitled to an annual survivors' allowance equal to fifty percent (50%) of the amount the participant would have been entitled to if ~~he or she~~ **the participant** had retired. In the case of a surviving spouse who is more than five (5) years younger than the deceased participant at the time of

the participant's death, the amount of the annual survivors' allowance shall be reduced actuarially, without regard to the sex of the spouse or the participant. In all cases the survivors' allowance to a surviving spouse shall cease with the last payment prior to the surviving spouse's death.

~~(d)~~ **(e)** A surviving child eligible and nominated by the participant to receive survivors' benefits under the provisions of this chapter shall be entitled to an annual survivors' allowance equal to fifty percent (50%) of the amount the participant would have been entitled to if ~~he~~ **the participant** had retired. If more than one (1) surviving child is eligible and nominated to receive survivors' benefits, the annual allowance shall be divided equally between or among such children. In all cases, the survivors' allowance to a child shall cease when the child attains the age of eighteen (18) years or marries, whichever occurs first. Where a survivors' allowance is divided between or among more than one (1) child, and payments to one (1) or more children cease, the total annual allowance payable shall be divided evenly among or between such of the remaining children who are eligible therefor.

~~(e)~~ **(f)** In the event that no nomination is made by an eligible participant, or in the event that the nominated survivor predeceases the participant and no contingent survivor is nominated and an eligible participant dies, no survivors' allowance shall be payable. In such case, the board shall make a lump sum payment to the estate of the deceased participant equal to the total of all funds standing to the credit of the participant in the participant's savings fund plus accumulated interest thereon.

~~(f)~~ **(g)** A survivor's allowance under this section that was terminated because of a surviving spouse's remarriage shall be reinstated on July 1, 1997, and continue during the life of the surviving spouse.

SECTION 5. IC 5-10-5.5-16.3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE FEBRUARY 1, 2018 (RETROACTIVE)]: **Sec. 16.3. (a) This section applies to:**

(1) an active participant, regardless of the participant's years of creditable service; and

(2) an inactive participant with at least fifteen (15) years of creditable service;

who dies other than in the line of duty after January 31, 2018.

(b) Benefits provided under this section are subject to section 2.5 of this chapter.

(c) A surviving mother or father nominated by the participant to receive survivors' benefits under the provisions of this chapter is entitled to an annual survivors' allowance for life equal to fifty percent (50%) of the amount to which the participant would have been entitled if the participant had retired with twenty-five (25) years of service at fifty (50) years of age.

(d) A surviving spouse nominated by the participant to receive survivors' benefits under the provisions of this chapter is entitled to an annual survivors' allowance equal to fifty percent (50%) of the amount to which the participant would have been entitled if the participant had retired with twenty-five (25) years of service at fifty (50) years of age. A survivors' allowance payable to a surviving spouse under this subsection ends with the last payment before the surviving spouse's death.

(e) An eligible surviving child who is nominated by the participant to receive survivors' benefits under this chapter is entitled to an annual survivors' allowance equal to fifty percent (50%) of the amount to which the participant would have been entitled if the participant had retired with twenty-five (25) years of service at fifty (50) years of age. If more than one (1) eligible surviving child is nominated to receive survivors' benefits, the annual survivors' allowance shall be divided equally between or among the eligible surviving children who were nominated to receive survivors' benefits. A survivors' allowance to a child ends when the child attains the age of eighteen (18) years or marries, whichever occurs first. If a survivors' allowance is divided between or among more than one (1) child, and payments to one (1) or more children receiving the survivor's allowance cease because of the age, marriage, or death of the child, the total annual survivors' allowance payable under this subsection shall be divided evenly among or between the surviving children, if any, who remain eligible to receive the survivors' allowance.

SECTION 6. IC 5-10-5.5-16.6 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE FEBRUARY 1, 2018 (RETROACTIVE)]: **Sec. 16.6. (a)**

This section applies to participants who die in the line of duty after January 31, 2018.

(b) Benefits provided under this section are subject to section 2.5 of this chapter.

(c) A surviving mother or father nominated by the participant to receive survivors' benefits under the provisions of this chapter is entitled to an annual survivors' allowance for life equal to one hundred percent (100%) of the amount to which the participant would have been entitled if the participant had retired with twenty-five (25) years of service at fifty (50) years of age.

(d) A surviving spouse nominated by the participant to receive survivors' benefits under the provisions of this chapter is entitled to an annual survivors' allowance equal to one hundred percent (100%) of the amount to which the participant would have been entitled if the participant had retired with twenty-five (25) years of service at fifty (50) years of age. A survivors' allowance payable to a surviving spouse under this subsection ends with the last payment before the surviving spouse's death.

(e) An eligible surviving child who is nominated by the participant to receive survivors' benefits under this chapter is entitled to an annual survivors' allowance equal to one hundred percent (100%) of the amount to which the participant would have been entitled if the participant had retired with twenty-five (25) years of service at fifty (50) years of age. If more than one (1) eligible surviving child is nominated to receive survivors' benefits, the annual survivors' allowance shall be divided equally between or among the eligible surviving children who were nominated to receive survivors' benefits. A survivors' allowance to a child ends when the child attains the age of eighteen (18) years or marries, whichever occurs first. If a survivors' allowance is divided between or among more than one (1) child, and payments to one (1) or more children receiving the survivor's allowance cease because of the age, marriage, or death of the child, the total annual survivors' allowance payable under this subsection shall be divided evenly among or between the surviving children, if any, who remain eligible to receive the survivors' allowance.

SECTION 7. IC 5-10-5.5-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE FEBRUARY 1, 2018 (RETROACTIVE)]:

Sec. 17. Any participant whose employment as an officer is terminated before accumulating fifteen (15) years of creditable service and ~~before attaining the age of forty-five (45) years~~ **and is not receiving a disability benefit under this chapter** shall be entitled to a lump-sum refund of all contributions standing to ~~his~~ **the participant's** credit in the participants' savings fund plus accumulated interest thereon.

(b) **This subsection applies to participants who die before February 1, 2018.** If a participant dies before accumulating fifteen (15) years of creditable service, all contributions standing to ~~his~~ **the participant's** credit in the participants' savings fund plus the accumulated interest thereon shall be paid by the board to the person the participant shall nominate by written direction duly acknowledged and filed with the board. The payment may be in the form of a lump sum or a series of payments, at the discretion of the board.

(c) If a participant dies before accumulating fifteen (15) years of creditable service and has nominated no beneficiary, or in the event that the participant's nominee predeceases ~~him,~~ **the participant,** all contributions standing to ~~his~~ **the participant's** credit in the participants' savings fund, plus accumulated interest thereon shall be paid by the board to the estate of the deceased participant. The payment may be in the form of a lump sum or a series of payments, at the discretion of the board.

(d) If a participant terminates ~~his~~ **the participant's** employment after accumulating fifteen (15) years of creditable service, but before becoming eligible for any benefits under this chapter, no refund of contributions and interest shall be allowed. In such case, the participant's contributions shall be retained by the board until the participant becomes eligible for benefits. At that time, benefits shall be paid to, or on behalf of the participant in the same manner and in the same amount as all similar benefits are paid.

SECTION 8. **An emergency is declared for this act.**

P.L.7-2020
[S.187. Approved March 11, 2020.]

AN ACT to amend the Indiana Code concerning courts and court officers.

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

SECTION 1. IC 33-32-2-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 4. (a) The board of county commissioners shall provide the clerk with an office at:

(1) the county seat; **or**

(2) in Elkhart County, any other place in the county as the board of county commissioners may provide;

in a building provided for that purpose.

(b) The clerk shall keep the office open on every day of the year except on Sundays and legal holidays. However, the clerk:

(1) shall keep the office of the clerk open on those days and times necessary for the proper administration of the election statutes; and

(2) may close the office on those days that the judge of the circuit court orders the court closed in accordance with the custom and practice of the county.

(c) Any legal action required to be taken in the office of the clerk during the time the office is closed under this section may be taken on the next following day the office is open.

SECTION 2. IC 33-33-20-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 4. **(a)** The Elkhart superior court has six (6) judges. ~~Four (4) of the judges of the court shall hold sessions in the Elkhart County courts building in Elkhart. Two (2) of the judges of the court shall hold sessions in an appropriate place in Goshen selected by the county commissioners.~~ **Each division of the circuit court or superior court of Elkhart County shall hold sessions at:**

(1) the courthouse of the county; or

(2) any other place in the county as the board of county commissioners may provide.

(b) The board of county commissioners shall provide the circuit court clerk with an office as described in IC 33-32-2-4(a).

P.L.8-2020

[S.197. Approved March 11, 2020.]

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

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

SECTION 1. IC 1-1-15 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 15. Prohibited Technology Purchases

Sec. 1. As used in this chapter, "political subdivision" has the meaning set forth in IC 36-1-2-13.

Sec. 2. As used in this chapter, "prohibited person" refers to a person that has been designated as posing a national security threat to the integrity of communications networks or the communications supply chain under 47 CFR 54.9.

Sec. 3. As used in this chapter, "state agency" means an authority, board, branch, commission, committee, department, division, or other instrumentality of any of the following:

(1) The executive, including the administrative department of state government.

(2) The legislative department of state government.

(3) The judicial department of state government.

(4) A state educational institution.

(5) A body corporate and politic created by statute.

Sec. 4. Money appropriated by the general assembly or a political subdivision may not be granted to or used to purchase or obtain any equipment or services produced or provided by a prohibited person.

Sec. 5. A prohibited person is not considered responsible or best for purposes of determining whether a bidder or offeror is responsible or best under any of the following:

(1) IC 4-13.6.

(2) IC 5-16.

(3) IC 5-22.

(4) IC 8-23-9.

(5) IC 36-1-12.

(6) Any other statute under which a state agency or political subdivision awards a contract.

SECTION 2. **An emergency is declared for this act.**

P.L.9-2020

[S.238. Approved March 11, 2020.]

AN ACT to amend the Indiana Code concerning human services.

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

SECTION 1. IC 8-15.5-1-2, AS AMENDED BY P.L.189-2018, SECTION 85, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 2. (a) This article contains full and complete authority for public-private agreements between the authority, a private entity, and, where applicable, a governmental entity. Except as provided in this article, no law, procedure, proceeding, publication, notice, consent, approval, order, or act by the authority or any other officer, department, agency, or instrumentality of the state or any

political subdivision is required for the authority to enter into a public-private agreement with a private entity under this article, or for a project that is the subject of a public-private agreement to be constructed, acquired, maintained, repaired, operated, financed, transferred, or conveyed.

(b) Before the authority or the department may issue a request for proposals for or enter into a public-private agreement under this article that would authorize an operator to impose tolls for the operation of motor vehicles on all or part of a toll road project, the general assembly must adopt a statute authorizing the imposition of tolls. However, during the period beginning July 1, 2011, and ending June 30, 2021, and notwithstanding subsection (c), the general assembly is not required to enact a statute authorizing the authority or the department to issue a request for proposals or enter into a public-private agreement to authorize an operator to impose tolls for the operation of motor vehicles on all or part of the following projects:

(1) A project on which construction begins after June 30, 2011, not including any part of Interstate Highway 69 other than a part described in subdivision (4).

(2) The addition of toll lanes, including high occupancy toll lanes, to a highway, roadway, or other facility in existence on July 1, 2011, if the number of nontolled lanes on the highway, roadway, or facility as of July 1, 2011, does not decrease due to the addition of the toll lanes.

(3) The Illiana Expressway, a limited access facility connecting Interstate Highway 65 in northwestern Indiana with an interstate highway in Illinois.

(4) A project that is located within a metropolitan planning area (as defined by 23 U.S.C. 134) and that connects the state of Indiana with the commonwealth of Kentucky.

However, neither the authority nor the department may issue a request for proposals for a public-private agreement under this article that would authorize an operator to impose tolls unless the budget committee has reviewed the request for proposals.

(c) Before the authority or an operator may carry out any of the following activities under this article, the general assembly must enact a statute authorizing that activity:

(1) Imposing tolls on motor vehicles for use of Interstate Highway 69.

(2) Imposing tolls on motor vehicles for use of a nontolled highway, roadway, or other facility in existence or under construction on July 1, 2011, including nontolled interstate highways, U.S. routes, and state routes.

(d) The general assembly is not required to enact a statute authorizing the authority or the department to issue a request for proposals or enter into a public-private agreement for a freeway project.

(e) The authority may enter into a public-private agreement for a facility project if the general assembly, by statute, authorizes the authority to enter into a public-private agreement for the facility project.

(f) As permitted by subsection (e), the general assembly authorizes the authority to enter into public-private agreements for ~~the following facility projects:~~

~~(1)~~ a state park inn and related improvements in an existing state park located in a county with a population of more than two hundred thousand (200,000) and less than three hundred thousand (300,000).

~~(2) Larue D. Carter Memorial Hospital in Indianapolis.~~

SECTION 2. IC 8-15.5-2-3.2, AS AMENDED BY P.L.189-2018, SECTION 86, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 3.2. "Facility project" means a project to plan, design, acquire, construct, reconstruct, equip, improve, extend, expand, lease, operate, repair, manage, maintain, or finance ~~any of the following~~ **a state park inn and related improvements in an existing state park located in a county with a population of more than two hundred thousand (200,000) and less than three hundred thousand (300,000)** that ~~are~~ **is** or will be owned by or leased in the name of the state or the authority and ~~are~~ **is** the subject of a public-private agreement under this article.

~~(1) A state park inn and related improvements in an existing state park located in a county with a population of more than two hundred thousand (200,000) and less than three hundred thousand (300,000).~~

~~(2) Larue D. Carter Memorial Hospital in Indianapolis.~~

SECTION 3. IC 12-7-2-184, AS AMENDED BY P.L.19-2017, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 184. (a) "State institution" means an institution:

(1) owned or operated by the state;

(2) for the observation, care, treatment, or detention of an individual; and

(3) under the administrative control of a division.

(b) The term includes the following:

(1) Evansville State Hospital.

(2) Evansville State Psychiatric Treatment Center for Children.

~~(3) Larue D. Carter Memorial Hospital.~~

~~(4)~~ **(3)** Logansport State Hospital.

~~(5)~~ **(4)** Madison State Hospital.

~~(6)~~ **(5)** Richmond State Hospital.

~~(7)~~ **(6)** The Neurodiagnostic Institute and Advanced Treatment Center.

SECTION 4. IC 12-12.7-2-3, AS AMENDED BY P.L.210-2015, SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 3. (a) As used in this chapter, "early intervention services" means developmental services that meet the following conditions:

(1) Are provided under public supervision.

(2) Are selected in collaboration with the parents.

(3) Are provided at no cost, except when federal or state law provides for a system of payments by the families, including a sliding fee schedule.

~~(2)~~ **(4)** Are designed to meet the:

(A) developmental needs of infants and toddlers with disabilities in at least one (1) of the areas specified in section 4(a)(1) of this chapter; **and**

(B) needs of the family to assist appropriately the development of the infant or toddler as identified by the individualized family service plan adopted in accordance with 20 U.S.C. 1436.

~~(3)~~ **(5)** Meet all required state and federal standards.

~~(4)~~ **(6)** Are provided by qualified personnel, including the following:

(A) Early childhood special educators, early childhood educators, and special educators, **including teachers of children with:**

(i) hearing impairments, including deafness; and

(ii) vision impairments, including blindness.

(B) Speech and language pathologists and audiologists.

(C) Occupational therapists.

(D) Physical therapists.

(E) Psychologists.

(F) Social workers.

(G) Nurses.

(H) Nutritionists.

(I) Family therapists.

(J) Orientation and mobility specialists.

(K) Pediatricians and other physicians **for diagnostic and evaluation purposes.**

(L) Registered dieticians.

(M) Vision specialists, including ophthalmologists and optometrists.

~~(5)~~ **(7)** To the maximum extent appropriate, are provided in natural environments, including the home and community settings in which children without disabilities participate.

~~(6)~~ **(8)** Are provided in conformity with an individualized family service plan adopted in accordance with 20 U.S.C. 1436.

(b) The term includes the following services:

(1) Family training, counseling, and home visits.

(2) Special instruction.

(3) Speech and language pathology, audiology, and sign language and cued language services.

(4) Occupational therapy.

(5) Physical therapy.

(6) Psychological services.

(7) Service coordination services.

(8) Medical services only for diagnostic, evaluation, or consultation purposes.

(9) Early identification, screening, and assessment services.

(10) Other health services necessary for an infant or a toddler to benefit from the services.

(11) Vision services.

(12) Supportive technology services.

(13) Transportation and related costs that are necessary to enable an infant or a toddler and the infant's or toddler's family to receive early intervention services.

(14) Assistive technology devices and services.

(15) Nursing services.

(16) Nutrition services.

(17) Social work services.

(c) This section does not provide an exhaustive list of the services that may constitute early intervention services or the qualified personnel that may provide early intervention services. Nothing in this section prohibits an individualized family service plan from including another type of:

(1) service as an early intervention service if the service meets the criteria set forth in subsection (a); or

(2) personnel that may provide early intervention services as long as the personnel meet the requirements of 34 CFR 303.31.

SECTION 5. IC 12-17.2-6-7.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 7.5. (a) At least one (1) adult individual who maintains annual certification in a course of cardiopulmonary resuscitation applicable to all age groups of children cared for by the child care ministry shall be present at all times when a child is in the care of a child care ministry.**

(b) An individual who:

(1) is employed; or

(2) volunteers;

as a caregiver at a child care ministry shall maintain current certification in first aid applicable to all age groups of children cared for by the child care ministry.

SECTION 6. IC 12-24-1-3, AS AMENDED BY P.L.168-2018, SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 3. (a) The director of the division of mental health and addiction has administrative control of and responsibility for the state institution network operating as an integrated mental health system, including the following:

(1) Evansville State Hospital.

(2) Evansville State Psychiatric Treatment Center for Children.

~~(3) Larue D. Carter Memorial Hospital.~~

~~(4)~~ **(3)** Logansport State Hospital.

~~(5)~~ **(4)** Madison State Hospital.

~~(6)~~ **(5)** Richmond State Hospital.

~~(7)~~ **(6)** The Neurodiagnostic Institute and Advanced Treatment Center.

~~(8)~~ **(7)** Any other state owned or operated mental health institution, including a freestanding facility or satellite facility.

(b) Subject to the approval of the director of the budget agency and the governor, the director of the division of mental health and addiction may contract for the management and clinical operation of any state institution, including contracting with a nonstate entity for services.

SECTION 7. IC 12-26-6-8, AS AMENDED BY P.L.161-2018, SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 8. (a) If, upon the completion of the hearing and consideration of the record, the court finds that the individual is mentally ill and either dangerous or gravely disabled, the court may order the individual to:

(1) be committed to an appropriate facility; or

(2) enter an outpatient treatment program under IC 12-26-14 for a period of not more than ninety (90) days.

(b) The court's order must require that the superintendent of the facility or the attending physician file a treatment plan with the court within fifteen (15) days of the individual's admission to the facility under a commitment order.

(c) If the commitment ordered under subsection (a) is to a state institution administered by the division of mental health and addiction, the record of commitment proceedings must include a report from a community mental health center stating both of the following:

(1) That the community mental health center has evaluated the individual.

(2) That commitment to a state institution administered by the division of mental health and addiction under this chapter is appropriate.

(d) The physician who makes the statement required by section 2(c) of this chapter may be affiliated with the community mental health center that submits to the court the report required by subsection (c).

~~(e) If the commitment is of an adult to a research bed at Larue D. Carter Memorial Hospital as set forth in IC 12-21-2-3, the report from a community mental health center is not required.~~

~~(f)~~ **(e)** If a commitment ordered under subsection (a) is to a state institution administered by the division of disability and rehabilitative services, the record of commitment proceedings must include a report from a service coordinator employed by the division of disability and rehabilitative services stating that, based on a diagnostic assessment of the individual, commitment to a state institution administered by the division of disability and rehabilitative services under this chapter is appropriate.

~~(g)~~ **(f)** If the court makes a finding under subsection (a) (including a finding in reference to a child under IC 31-37-18-3), the court shall transmit any information required by the office of judicial administration to the office of judicial administration for transmission to the NICS (as defined in IC 35-47-2.5-2.5) in accordance with IC 33-24-6-3.

SECTION 8. IC 12-26-7-3, AS AMENDED BY P.L.141-2006, SECTION 68, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 3. (a) A petition filed under section 2 of this chapter must include a physician's written statement that states both of the following:

(1) The physician has examined the individual within the past thirty (30) days.

(2) The physician believes that the individual is:

(A) mentally ill and either dangerous or gravely disabled; and

(B) in need of custody, care, or treatment in a facility for a period expected to be more than ninety (90) days.

(b) ~~Except as provided in subsection (d),~~ If the commitment is to a state institution administered by the division of mental health and addiction, the record of the proceedings must include a report from a community mental health center stating both of the following:

(1) The community mental health center has evaluated the individual.

(2) Commitment to a state institution administered by the division of mental health and addiction under this chapter is appropriate.

(c) The physician who makes the statement required by subsection (a) may be affiliated with the community mental health center that makes the report required by subsection (b).

~~(d) If the commitment is of an adult to a research bed at Larue D. Carter Memorial Hospital, as set forth in IC 12-21-2-3, the report from a community mental health center is not required.~~

~~(e)~~ **(d)** If a commitment ordered under subsection (a) is to a state institution administered by the division of disability and rehabilitative services, the record of commitment proceedings must include a report from a service coordinator employed by the division of disability and rehabilitative services stating that, based on a diagnostic assessment of the individual, commitment to a state institution administered by the division of disability and rehabilitative services under this chapter is appropriate.

P.L.10-2020
[S.255. Approved March 11, 2020.]

AN ACT to amend the Indiana Code concerning health.

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

SECTION 1. IC 16-18-2-199, AS AMENDED BY P.L.131-2014, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2021]: Sec. 199. "Legend drug", for purposes of IC 16-42, means a drug that is:

(1) subject to 21 U.S.C. 353(b)(1); **or**

(2) listed in the Prescription Drug Product List as:

(A) published in United States Department of Health and Human Services Approved Drug Products with Therapeutic Equivalence Evaluations, Tenth Edition, (1990); and

(B) revised in United State Department of Health and Human Services, Approved Drug Products with Therapeutic Equivalence Evaluations, Cumulative Supplement to the Tenth Edition, Number 10 (1990). ~~or~~

~~(3) insulin.~~

SECTION 2. IC 16-42-19-29 IS REPEALED [EFFECTIVE JANUARY 1, 2021]. ~~Sec. 29. A legend drug that is composed wholly or partly of insulin may be sold for retail sale by a pharmacy only to an individual who possesses a prescription from one (1) of the following:~~

~~(1) A physician licensed under IC 25-22.5.~~

~~(2) A veterinarian licensed to practice veterinary medicine in Indiana.~~

~~(3) An advanced practice registered nurse who meets the requirements of IC 25-23-1-19.5.~~

~~(4) A physician assistant licensed under IC 25-27.5 who is delegated prescriptive authority under IC 25-27.5-5-6.~~

P.L.11-2020

[S.288. Approved March 11, 2020.]

AN ACT to amend the Indiana Code concerning natural and cultural resources.

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

SECTION 1. IC 14-22-11-20 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 20. (a) The department shall place an identifying symbol of the individual's intention to make an**

anatomical gift on the face of the resident license to hunt, fish, or trap that is issued to the individual.

(b) The department shall adopt rules under IC 4-22-2 for issuing licenses with an identifying symbol indicating the donation of an anatomical gift that may include the process of purchasing a license in person at a license agent or an online transaction.

SECTION 2. IC 29-2-16.1-1, AS AMENDED BY P.L.198-2016, SECTION 659, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1. The following definitions apply throughout this chapter:

(1) "Adult" means an individual at least eighteen (18) years of age.

(2) "Agent" means an individual who is:

(A) authorized to make health care decisions on behalf of another person by a health care power of attorney; or

(B) expressly authorized to make an anatomical gift on behalf of another person by a document signed by the person.

(3) "Anatomical gift" means a donation of all or part of a human body to take effect after the donor's death for the purpose of transplantation, therapy, research, or education.

(4) "Bank" or "storage facility" means a facility licensed, accredited, or approved under the laws of any state for storage of human bodies or parts of human bodies.

(5) "Decedent":

(A) means a deceased individual whose body or body part is or may be the source of an anatomical gift; and

(B) includes:

(i) a stillborn infant; and

(ii) except as restricted by any other law, a fetus.

(6) "Disinterested witness" means an individual other than a spouse, child, sibling, grandchild, grandparent, or guardian of the individual who makes, amends, revokes, or refuses to make an anatomical gift or another adult who exhibited special care and concern for the individual. This term does not include a person to whom an anatomical gift could pass under section 10 of this chapter.

(7) "Document of gift" means a donor card or other record used to make an anatomical gift, including a statement or symbol on:

(A) a driver's license;
(B) an identification **card;**
(C) a resident license to hunt, fish, or trap; or
(D) a donor registry.

(8) "Donor" means an individual whose body or body part is the subject of an anatomical gift.

(9) "Donor registry" means:

(A) a data base maintained by:

(i) the bureau of motor vehicles; or

(ii) the equivalent agency in another state;

(B) the Donate Life Indiana Registry maintained by the Indiana Donation Alliance Foundation; or

(C) a donor registry maintained in another state;

that contains records of anatomical gifts and amendments to or revocations of anatomical gifts.

(10) "Driver's license" means a license or permit issued by the bureau of motor vehicles to operate a vehicle.

(11) "Eye bank" means a person that is licensed, accredited, or regulated under federal or state law to engage in the recovery, screening, testing, processing, storage, or distribution of human eyes or portions of human eyes.

(12) "Guardian" means an individual appointed by a court to make decisions regarding the support, care, education, health, or welfare of an individual. The term does not include a guardian ad litem.

(13) "Hospital" means a facility licensed as a hospital under the laws of any state or a facility operated as a hospital by the United States, a state, or a subdivision of a state.

(14) "Identification card" means an identification card issued by the bureau of motor vehicles.

(15) "Minor" means an individual under eighteen (18) years of age.

(16) "Organ procurement organization" means a person designated by the Secretary of the United States Department of Health and Human Services as an organ procurement organization.

(17) "Parent" means an individual whose parental rights have not been terminated.

(18) "Part" means an organ, an eye, or tissue of a human being. The term does not mean a whole body.

(19) "Pathologist" means a physician:

(A) certified by the American Board of Pathology; or

(B) holding an unlimited license to practice medicine in Indiana and acting under the direction of a physician certified by the American Board of Pathology.

(20) "Person" means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, public corporation, government or governmental subdivision, agency, instrumentality, or any other legal or commercial entity.

(21) "Physician" or "surgeon" means an individual authorized to practice medicine or osteopathy under the laws of any state.

(22) "Procurement organization" means an eye bank, organ procurement organization, or tissue bank.

(23) "Prospective donor" means an individual who is dead or near death and has been determined by a procurement organization to have a part that could be medically suitable for transplantation, therapy, research, or education. The term does not include an individual who has made an appropriate refusal.

(24) "Reasonably available" means:

(A) able to be contacted by a procurement organization without undue effort; and

(B) willing and able to act in a timely manner consistent with existing medical criteria necessary for the making of an anatomical gift.

(25) "Recipient" means an individual into whose body a decedent's part has been or is intended to be transplanted.

(26) "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

(27) "Refusal" means a record created under section 6 of this chapter that expressly states the intent to bar another person from making an anatomical gift of an individual's body or part.

(28) "Sign" means, with the present intent to authenticate or adopt a record:

(A) to execute or adopt a tangible symbol; or

(B) to attach to or logically associate with the record an electronic symbol, sound, or process.

(29) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

(30) "Technician" means an individual determined to be qualified to remove or process parts by an appropriate organization that is licensed, accredited, or regulated under federal or state law. The term includes an eye enucleator.

(31) "Tissue" means a part of the human body other than an organ or an eye. The term does not include blood or other bodily fluids unless the blood or bodily fluids are donated for the purpose of research or education.

(32) "Tissue bank" means a person that is licensed, accredited, or regulated under federal or state law to engage in the recovery, screening, testing, processing, storage, or distribution of tissue.

(33) "Transplant hospital" means a hospital that furnishes organ transplants and other medical and surgical specialty services required for the care of organ transplant patients.

SECTION 3. IC 29-2-16.1-4, AS ADDED BY P.L.147-2007, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 4. (a) A donor may make an anatomical gift:

(1) by authorizing a statement or symbol indicating that the donor has made an anatomical gift to be imprinted on:

(A) the donor's driver's license or identification card **under IC 9-24-17; or**

(B) the donor's resident hunting, fishing, or trapping license under IC 14-22-12-1;

(2) in a will;

(3) during a terminal illness or injury of the donor, by any form of communication directed to at least two (2) adults, at least one (1) of whom is a disinterested witness; or

(4) as provided in subsection (b).

(b) A donor or other person authorized to make an anatomical gift under section 3 of this chapter may make a gift by:

(1) a donor card or other record signed by the donor or other person making the gift; or

(2) authorizing that a statement or symbol indicating that the donor has made an anatomical gift be included on a donor registry.

(c) If the donor or other person is physically unable to sign a record, the record may be signed by another individual at the direction of the donor or other person and must:

(1) be witnessed by at least two (2) adults, at least one (1) of whom is a disinterested witness, who have signed at the request of the donor or the other person; and

(2) state that it has been signed and witnessed as provided in subdivision (1).

(d) Revocation, suspension, expiration, or cancellation of:

(1) a driver's license; ~~or~~

(2) an identification card; **or**

(3) the donor's resident hunting, fishing, or trapping license; that indicates an anatomical gift does not invalidate the gift.

(e) An anatomical gift made by will takes effect upon the donor's death whether or not the will is probated. Invalidation of the will after the donor's death does not invalidate the gift.

(f) Neither the state nor any organ recovery health care provider (as defined by IC 34-18-2-14) is civilly liable as a result of an individual making an unrevoked anatomical gift under this chapter.

SECTION 4. IC 29-2-16.1-19, AS ADDED BY P.L.147-2007, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 19. (a) The bureau of motor vehicles **and the department of natural resources** shall cooperate with a person that administers any donor registry that this state establishes, contracts for, or recognizes for the purpose of transferring to the donor registry all relevant information regarding a donor's making, amendment to, or revocation of an anatomical gift.

(b) A donor registry must:

(1) allow a donor or other person authorized under section 4 of this chapter to include on the donor registry a statement or symbol that the donor has made, amended, or revoked an anatomical gift;

(2) be accessible to a procurement organization and to coroners to allow it to obtain relevant information on the donor registry to determine, at or near death of the donor or a prospective donor,

whether the donor or prospective donor has made, amended, or revoked an anatomical gift; and

(3) be accessible for purposes of subdivisions (1) and (2) seven (7) days a week on a twenty-four (24) hour basis.

(c) Personally identifiable information on a donor registry about a donor or prospective donor may not be used or disclosed without the express consent of the donor, prospective donor, or person that made the anatomical gift for any purpose other than to determine, at or near death of the donor or prospective donor, whether the donor or prospective donor has made, amended, or revoked an anatomical gift.

(d) This section does not prohibit any person from creating or maintaining a donor registry that is not established by or under contract with the state. Any such registry must comply with subsections (b) and (c).

SECTION 5. IC 34-30-2-123.2 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 123.2. IC 29-2-16.1-4(f) (Concerning anatomical gifts made through an application for a resident hunting, fishing, or trapping license).**

P.L.12-2020

[S.307. Approved March 11, 2020.]

AN ACT to amend the Indiana Code concerning public safety.

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

SECTION 1. IC 10-16-7-17.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 17.5. (a) As used in this section, "member" means a member of the Indiana national guard.**

(b) As used in this section, "program" means the state sponsored group term life insurance program exclusively offered to all members of the Indiana national guard through the National Guard Association of Indiana, as provided in 37 U.S.C. 707.

(c) The adjutant general is the official sponsor of the program.

(d) The adjutant general shall do the following:

(1) Allow, facilitate, and coordinate all efforts to make the program available to all members, including the period of time during initial enlistment or commissioning.

(2) Provide an opportunity for members to enroll in or upgrade life insurance under the program.

(3) Allow, facilitate, and coordinate requested allotments for the payment of premiums:

(A) using the United States Defense Finance and Accounting Service military pay allotment with the appropriate United States Property and Fiscal Office; and

(B) for life insurance under the program.

(4) Allow program representatives to provide Indiana national guard units with program briefings during annual training, drill weekends, and other opportunities to educate members on program benefits.

(5) Allow members to designate and change beneficiaries under life insurance obtained under the program.

P.L.13-2020
[S.366. Approved March 11, 2020.]

AN ACT to amend the Indiana Code concerning natural and cultural resources.

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

SECTION 1. IC 14-13-9-23, AS ADDED BY P.L.282-2019, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 23. (a) If:

(1) a county fails to pay direct support or special assessments to the commission when due under section 21 or 22 of this chapter; and

(2) more than thirty (30) days have elapsed since the due date;

the commission shall notify the auditor of state of the county's failure to pay and the amount due from the county. The commission may request that the auditor of state pay the amount due from local income taxes otherwise distributable to the county under IC 6-3.6. The auditor of state shall immediately contact the county auditor and the commission to confirm whether the county is unable to make the required payment. Upon confirming the county's inability to make the payment, the auditor of state shall deduct the amount due from the next distribution of local income taxes ~~payable~~ **allocated** to the county under IC 6-3.6.

(b) This section must be interpreted liberally to ensure that the obligations of the commission are paid to the extent legally valid. However, this section does not create a debt of the state.

P.L.14-2020
[H.1009. Approved March 11, 2020.]

AN ACT to amend the Indiana Code concerning human services.

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

SECTION 1. IC 12-14-1-1.2 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2021]: **Sec. 1.2. (a) Except as otherwise provided by federal law, income that an individual earns for:**

(1) employment in a paid internship;

(2) employment in a work based learning course (as defined in IC 20-43-8-0.7); or

(3) paid postsecondary work experience that allows the individual to apply for a related apprenticeship (as defined by IC 20-43-8-0.3);

may not be considered as a resource, asset, or income in determining an applicant's or recipient's eligibility for assistance under TANF.

(b) The division shall apply for any plan amendment, waiver, or any other federal approval necessary to implement this section. Upon approval, the division shall implement this section not later than thirty (30) days from receipt of the federal approval.

SECTION 2. IC 12-14-1-1.4 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 1.4. (a) Except as otherwise provided by federal law, income that an individual earns employed at a temporary job as a census worker may not be considered as a resource, asset, or income in determining an applicant's or recipient's eligibility for assistance under TANF.**

(b) The division shall request any amendment or waiver necessary from the federal government to implement this section.

SECTION 3. IC 12-14-2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2021]: Sec. 1. (a) After the investigation under IC 12-14-1-6, the county office shall decide the following:

(1) Whether the child is eligible for assistance under this article.

(2) The amount of assistance.

(3) The date assistance begins.

(b) The county office may not consider:

(1) money in an individual development account under IC 4-4-28 that belongs to the child or a member of the child's family;

(2) ~~five~~ **ten** thousand dollars ~~($5,000)~~ **($10,000)** of equity value (as defined in 470 IAC 10.1-3-1) in one (1) motor vehicle that belongs to a member of the child's family; ~~or~~

(3) a Holocaust victim's settlement payment received by the child or a member of the child's family; **or**

(4) money earned by the child or a member of the child's family as a student participating in:

(A) a paid internship;

(B) a work based learning course (as defined in IC 20-43-8-0.7); or

(C) paid postsecondary work experience that allows the individual to apply for a related apprenticeship (as defined by IC 20-43-8-0.3);

when determining whether the child is eligible for assistance under this article.

SECTION 4. IC 12-14-2-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2021]: Sec. 3. (a) Except as provided in subsection (b), when determining the amount of assistance, an accounting must be taken of any income or property of the child that the child may receive from another source.

(b) The following may not be considered as income or property of the child when determining the amount of assistance for the child:

(1) Money in an individual development account established under IC 4-4-28 that belongs to a child or a member of the child's family.

(2) A Holocaust victim's settlement payment received by the child or a member of the child's family.

(3) Money earned by the child or a member of the child's family as a student participating in:

(A) a paid internship;

(B) a work based learning course (as defined in IC 20-43-8-0.7); or

(C) paid postsecondary work experience that allows the individual to apply for a related apprenticeship (as defined by IC 20-43-8-0.3).

SECTION 5. IC 12-14-30-5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2021]: **Sec. 5. (a) Except as otherwise provided by federal law, income that an individual earns for:**

(1) employment in a paid internship;

(2) employment in a work based learning course (as defined in IC 20-43-8-0.7; or

(3) paid postsecondary work experience that allows the individual to apply for a related apprenticeship (as defined by IC 20-43-8-0.3);

may not be considered as a resource, asset, or income in determining an applicant's or recipient's eligibility for SNAP assistance.

(b) The division shall apply for any plan amendment, waiver, or any other federal approval necessary to implement this section. Upon approval, the division shall implement this section not later than thirty (30) days from receipt of the federal approval.

SECTION 6. IC 12-14-30-6 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 6. (a) Except as otherwise provided by federal law, income that an individual earns employed at a temporary job as a census worker may not be considered as a resource, asset, or income in determining an applicant's or recipient's eligibility for SNAP assistance.**

(b) The division shall apply for any plan amendment, waiver, or any other federal approval necessary to implement this section. Upon approval, the division shall implement this section not later than thirty (30) days from receipt of the federal approval.

SECTION 7. IC 12-15-2-17.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS

[EFFECTIVE JANUARY 1, 2021]: **Sec. 17.5. (a) This section applies beginning on the date on which the United States Department of Health and Human Services approves the request for changes by the office under this section.**

(b) This subsection applies to applicants or recipients who are exempt from the use of modified adjusted gross income (MAGI) as described in 42 U.S.C. 1396a(e)(14)(D) in determining eligibility. The office may not consider income earned by an applicant, a recipient, or a member of the applicant's or recipient's family for participating in:

(1) a work based learning course (as defined in IC 20-43-8-0.7); or

(2) paid postsecondary work experience that allows the individual to apply for a related apprenticeship (as defined by IC 20-43-8-0.3);

as income in determining the applicant's or recipient's eligibility for Medicaid.

(c) For an applicant or recipient for whom the modified adjusted gross income (MAGI) is applicable, the office shall elect to apply a reasonable method to include a prorated portion of reasonably predictable future income as a factor concerning the income earned by the applicant or recipient by participating in a work based learning course, as set forth in 42 CFR 435.603(h)(3).

(d) The office shall apply for any state plan amendment or Medicaid waiver necessary to implement this section.

SECTION 8. IC 12-15-2-17.7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 17.7. (a) This section applies beginning on the date on which the United States Department of Health and Human Services approves the request for changes by the office under this section.**

(b) This subsection applies to applicants or recipients who are exempt from the use of modified adjusted gross income (MAGI) as described in 42 U.S.C. 1396a(e)(14)(D) in determining eligibility. The office may not consider income earned by:

(1) an applicant;

(2) a recipient; or

(3) a member of the applicant's or recipient's family;

employed at a temporary job as a census worker as a resource, asset, or income in determining the applicant's or recipient's eligibility for Medicaid.

(c) For an applicant or recipient for whom the modified adjusted gross income (MAGI) is applicable, the office shall elect to apply a reasonable method to include a prorated portion of reasonably predictable future income as a factor concerning the income earned by the applicant or recipient employed at a temporary job as a census worker, as set forth in 42 CFR 435.603(h)(3).

(d) The office shall apply for any state plan amendment or Medicaid waiver necessary to implement this section.

SECTION 9. IC 20-26-9-8.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 8.5. Except as otherwise provided under federal law, income that an individual earns employed at a temporary job as a census worker may not be considered as a resource, asset, or income in determining an applicant's or recipient's eligibility for a school lunch program that offers free or reduced price lunches.**

SECTION 10. IC 21-12-1.2-4 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 4. Except as otherwise provided under federal law, income that an individual earns employed at a temporary job as a census worker may not be considered as a resource, asset, or income in determining an applicant's or recipient's eligibility for any scholarship, grant, or award administered by the commission.**

P.L.15-2020
[H.1081. Approved March 11, 2020.]

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

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

SECTION 1. IC 4-13-16.5-1, AS AMENDED BY P.L.114-2010, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: 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~~ **supplier diversity** 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) "Deputy commissioner" refers to the deputy commissioner for supplier diversity of the department.

~~(g)~~ **(h)** "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.

(i) "NGB-22" means the National Guard Report of Separation form or its predecessor or successor form.

~~(h)~~ **(j)** "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)~~ **(k)** "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)~~ **(l)** "Minority group" means:

(1) ~~Blacks;~~ **African Americans;**

(2) ~~American Indians;~~ **Native Americans;**

(3) ~~Hispanics;~~ **Hispanic Americans;** and

(4) Asian Americans.

~~(k)~~ **(m)** "Separate body corporate and politic" refers to an entity established by the general assembly as a body corporate and politic.

~~(l)~~ **(n)** "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.

(o) "Veteran" means an individual who:

(1) has previously:

(A) served on active duty in any branch of the armed forces of the United States or their reserves, in the national guard, or in the Indiana National Guard; and

(B) received an honorable discharge from service; or

(2) is currently serving in:

(A) any branch of the armed forces of the United States or their reserves;

(B) the national guard; or

(C) the Indiana National Guard.

(p) "Veteran owned small business" refers to a small business that:

(1) is independently owned and operated;

(2) is not dominant in its field of operation; and

(3) satisfies the criteria to be a veteran owned small business concern as specified in section 1.5 of this chapter.

(q) "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.

SECTION 2. IC 4-13-16.5-1.3 IS REPEALED [EFFECTIVE JULY 1, 2020]. ~~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.~~

SECTION 3. IC 4-13-16.5-1.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 1.5. (a) A business qualifies as a small business for purposes of this section if the business is an**

Indiana small business concern owned and controlled by veterans, as defined in 15 U.S.C. 632(q)(3) as in effect January 1, 2013, or is an Indiana small business owned and operated by veterans and the business:

(1) has:

(A) a current verification as a veteran owned small business concern under 38 CFR 74 et seq. by the Center of Veterans Enterprise of the United States Department of Veterans Affairs; or

(B) a current certification as a veteran owned small business by the department;

(2) is owned and controlled by one (1) or more veterans or, in the case of a corporation, has at least fifty-one percent (51%) of the corporation's stock owned by one (1) or more veterans; and

(3) has its principal place of business located in Indiana.

(b) The Indiana economic development corporation may assist the department in doing any of the following:

(1) Compiling and maintaining a comprehensive list of veteran owned small businesses.

(2) Assisting veteran owned small businesses in complying with the procedures for bidding on state contracts.

(3) Examining requests from the department for the purchase of supplies or services to help determine which purchases may be consistent with the goal described in section 3.5 of this chapter.

(4) Simplifying specifications and contract terms to increase the opportunities for veteran owned small businesses to participate in state contracts.

(c) The Indiana economic development corporation, in consultation with the department, may develop programs to encourage cities, counties, towns, townships, and private businesses to adopt the goal for contracts with veteran owned small businesses described in section 3.5 of this chapter.

(d) For purposes of this chapter, information submitted by an applicant for certification as a veteran owned small business that contains:

(1) personal financial information; or

(2) confidential business information;

is confidential.

(e) For purposes of this chapter, the following forms submitted by an applicant for certification as a veteran owned small business are confidential:

(1) DD 214 (as defined in IC 10-17-15-1).

(2) NGB-22.

(3) All forms submitted to verify current military or naval service status.

SECTION 4. IC 4-13-16.5-2, AS AMENDED BY P.L.114-2010, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 2. (a) There is established a governor's commission on ~~minority and women's business enterprises.~~ **supplier diversity.** 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 **business enterprises,** ~~and~~ women's business enterprises, **and veteran owned small businesses,** 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.

(8) The deputy commissioner, who shall serve as a nonvoting member.

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 **business enterprises,** ~~and~~ women's **business enterprises, and veteran owned small businesses** ~~business enterprises~~ in the state.

(2) Assess the needs of minority **business enterprises,** ~~and~~ women's **business enterprises, and veteran owned small businesses.** ~~business enterprises.~~

(3) Initiate aggressive programs to assist minority **business enterprises,** ~~and~~ women's **business enterprises, and veteran owned small businesses** ~~business enterprises~~ in obtaining state contracts.

(4) Give special publicity to procurement, bidding, and qualifying procedures.

(5) Include minority **business enterprises,** ~~and~~ women's **business enterprises, and veteran owned small businesses** ~~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 **and veteran owned small businesses** that offer similar services and make recommendation to the department on policy changes necessary to ensure fair competition among minority **business enterprises,** women's **business enterprises, and veteran owned small businesses.** ~~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 **business enterprises,** ~~and~~ women's **business enterprises, and veteran owned small businesses.** ~~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 **business enterprises,** ~~and~~ women's ~~businesses~~ ~~enterprises~~ **business enterprises, and veteran owned small businesses** in Indiana and not just regional data.

(11) Establish annual goals for the use of minority **business enterprises,** ~~and~~ women's business enterprises, **and veteran owned small businesses** 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).

(12) Ensure compliance with the establishment and evaluation of the annual goal for veteran owned small businesses established in section 3.5 of this chapter.

(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 **business enterprises,** ~~and~~ women's **business enterprises, and veteran owned small businesses** ~~business enterprises~~ in fulfilling the purposes of the grant.

SECTION 5. IC 4-13-16.5-3, AS AMENDED BY P.L.114-2010, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 3. (a) There is created in the department a deputy commissioner for ~~minority and women's business enterprise~~ **supplier diversity** 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 **business enterprises,** ~~or~~ women's **business enterprises, or veteran owned small businesses,** ~~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 **business enterprises,** ~~and~~ women's **business enterprises, and veteran owned small businesses** ~~business enterprises~~ for state projects.

(2) Establish a central certification file.

(3) Periodically update the certification status of each minority **business enterprise,** ~~or~~ women's **business enterprise, or veteran owned small business.** ~~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 **business enterprises,** ~~and~~ women's **business enterprises, and veteran owned small businesses** ~~business enterprises~~ in contracts awarded by state agencies. The commissioner may exclude from the reports uncertified minority **business enterprises,** ~~and~~ women's **business enterprises, and veteran owned small businesses.** ~~business enterprises.~~

(6) Determine and define opportunities for minority, ~~and~~ women's, **and veteran owned** 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.~~

SECTION 6. IC 4-13-16.5-3.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 3.5. (a) The department shall adopt rules under IC 4-22-2 to do the following:**

(1) Increase contracting opportunities for Indiana veteran owned small businesses described in section 1.5 of this chapter with a goal to procure in each state fiscal year at least three percent (3%) of state contracts with Indiana veteran owned small businesses.

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

(3) Implement section 1.5 of this chapter.

These procurement policies do not apply to a procurement of supplies and services to address immediate and serious government needs at a time of emergency, including a threat to the public health, welfare, or safety that may arise by reason of floods, epidemics, riots, acts of terrorism, major power failures, a threat proclaimed by the President of the United States or the governor, or a threat declared by the commissioner.

(b) The department shall annually evaluate its progress in meeting the goal described in this section for the previous state fiscal year. After June 30 and before November 1 of each year, the department shall submit a report to the governor, the Indiana department of veterans' affairs, and the interim study committee on public safety and military affairs established by IC 2-5-1.3-4 and the legislative council in an electronic format under IC 5-14-6. The report must include:

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

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

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

SECTION 7. IC 4-13-16.5-8, AS ADDED BY P.L.228-2007, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 8. (a) This section applies to a contractor whose offer designated minority **business enterprises,** ~~businesses, or~~ women's **business enterprises, or veteran owned small businesses** ~~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, and veteran owned small** 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.

SECTION 8. IC 4-13.6-2-12, AS ADDED BY P.L.133-2007, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: 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)~~; **IC 4-13-16.5-1); and**

(4) veteran owned small businesses (as defined in IC 4-13-16.5-1);

with regard to bonding requirements and working with the surety industry to secure bonding for public works projects.

SECTION 9. IC 4-30-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: 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.

SECTION 10. IC 4-33-14-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 4. As used in this chapter, "women's business enterprise" has the meaning set forth in ~~IC 4-13-16.5-1.3.~~ **IC 4-13-16.5-1.**

SECTION 11. IC 4-35-11-5, AS AMENDED BY P.L.87-2008, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 5. As used in this chapter, "women's business enterprise" has the meaning set forth in ~~IC 4-13-16.5-1.3.~~ **IC 4-13-16.5-1.**

SECTION 12. IC 5-1.2-5-8, AS ADDED BY P.L.189-2018, SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 8. (a) The authority shall consider economy of operation to the extent practicable in preparing and approving plans and specifications. The authority shall present plans and specifications for a state facility for approval to the department of administration and:

(1) if the state facility is designed to house the supreme court or court of appeals, the administrator of the supreme court for approval by the courts; and

(2) if the state facility is a correctional facility, the department of correction.

(b) After the plans and specifications have been approved by the authority under subsection (a), the authority 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 of administration.

(c) 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 authority shall act in the same manner as required by law for the department of administration.

SECTION 13. IC 5-22-14-0.5 IS REPEALED [EFFECTIVE JULY 1, 2020]. ~~Sec. 0.5. As used in this chapter, "NGB-22" means the National Guard Report of Separation form or its predecessor or successor form.~~

SECTION 14. IC 5-22-14-1, AS AMENDED BY P.L.90-2013, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1. As used in this chapter, "small business" means a business that:

(1) is independently owned and operated;

(2) is not dominant in its field of operation; and

(3) satisfies the criteria

~~(A)~~ in the rules adopted under section 3 of this chapter. ~~or~~

~~(B) to be a veteran owned small business concern as specified in section 3.5 of this chapter.~~

SECTION 15. IC 5-22-14-2.5 IS REPEALED [EFFECTIVE JULY 1, 2020]. ~~Sec. 2.5. As used in this chapter, "veteran" means an individual who:~~

~~(1) has previously:~~

~~(A) served on active duty in any branch of the armed forces of the United States or their reserves, in the national guard, or in the Indiana National Guard; and~~

~~(B) received an honorable discharge from service; or~~

~~(2) is currently serving in:~~

~~(A) any branch of the armed forces of the United States or their reserves;~~

~~(B) the national guard; or~~

~~(C) the Indiana National Guard.~~

SECTION 16. IC 5-22-14-3.5 IS REPEALED [EFFECTIVE JULY 1, 2020]. ~~Sec. 3.5. (a) A business qualifies as a small business for purposes of this chapter if the business is an Indiana small business~~

~~concern owned and controlled by veterans, as defined in 15 U.S.C. 632(q)(3) as in effect January 1, 2013, or is an Indiana small business owned and operated by veterans (as defined in section 2.5 of this chapter) and the business:~~

~~(1) has:~~

~~(A) a current verification as a veteran owned small business concern under 38 CFR 74, et seq., by the Center of Veterans Enterprise of the United States Department of Veterans Affairs; or~~

~~(B) a current certification as a veteran owned small business by the Indiana department of administration;~~

~~(2) is owned and controlled by one (1) or more veterans or, in the case of a corporation, have at least fifty-one percent (51%) of the corporation's stock owned by one (1) or more veterans; and~~

~~(3) has its principal place of business located in Indiana.~~

~~(b) The Indiana economic development corporation may assist the Indiana department of administration in doing any of the following:~~

~~(1) Compiling and maintaining a comprehensive list of veteran owned small businesses.~~

~~(2) Assisting veteran owned small businesses in complying with the procedures for bidding on state contracts.~~

~~(3) Examining requests from the Indiana department of administration for the purchase of supplies or services to help determine which purchases may be consistent with the goal described in section 11(a) of this chapter.~~

~~(4) Simplifying specifications and contract terms to increase the opportunities for veteran owned small businesses to participate in state contracts.~~

~~(c) The Indiana economic development corporation, in consultation with the Indiana department of administration, may develop programs to encourage cities, counties, towns, townships, and private businesses to adopt the goal for contracts with veteran owned small businesses described in section 11(a) of this chapter.~~

~~(d) For purposes of this chapter, information submitted by an applicant for certification as a veteran owned small business that contains:~~

~~(1) personal financial information; or~~

~~(2) confidential business information;~~

~~is confidential.~~

~~(c) For purposes of this chapter, the following forms submitted by an applicant for certification as a veteran owned small business are confidential:~~

~~(1) DD 214 (as defined in IC 10-17-15-1).~~

~~(2) NGB-22 (as defined in section 0.5 of this chapter).~~

~~(3) All forms submitted to verify current military or naval service status.~~

SECTION 17. IC 5-22-14-11 IS REPEALED [EFFECTIVE JULY 1, 2020]. ~~Sec. 11. (a) The Indiana department of administration shall adopt rules under IC 4-22-2 to do the following:~~

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

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

~~(3) Implement IC 5-22-14-3.5.~~

~~These procurement policies do not apply to a procurement of supplies and services to address immediate and serious government needs at a time of emergency, including a threat to the public health, welfare, or safety that may arise by reason of floods, epidemics, riots, acts of terrorism, major power failures, a threat proclaimed by the President of the United States or the governor, or a threat declared by the commissioner of the Indiana department of administration.~~

~~(b) The Indiana department of administration shall annually evaluate its progress in meeting the goal described in this section for the previous state fiscal year. Beginning in 2014, after June 30 and before November 1 of each year, the Indiana department of administration shall submit a report to the governor, the Indiana department of veterans' affairs, and the interim study committee on public safety and military affairs established by IC 2-5-1.3-4 and the legislative council in an electronic format under IC 5-14-6. The report must include:~~

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

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

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

SECTION 18. IC 5-22-15-23 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 23. (a) A governmental body shall give a fifteen percent (15%) preference for supplies to:

(1) an Indiana small business (as defined in IC 5-22-14-1); **or**

(2) a veteran owned small business (as defined in IC 4-13-16.5-1);

that submits an offer for purchase under this article.

(b) The governmental body may adopt rules to establish criteria to carry out this section.

SECTION 19. IC 5-28-20-8, AS ADDED BY P.L.4-2005, SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 8. As used in this chapter, "small business" has the meaning set forth in IC 5-22-14-1. The term includes:

(1) an independently owned and operated business that is operating under a franchise from another business; **and**

(2) a veteran owned small business (as defined in IC 4-13-16.5-1).

SECTION 20. IC 6-3.1-29-13, AS ADDED BY P.L.191-2005, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 13. As used in this section, "women's business enterprise" has the meaning set forth in ~~IC 4-13-16.5-1.3.~~ **IC 4-13-16.5-1.**

SECTION 21. IC 8-25-4-7, AS ADDED BY P.L.153-2014, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 7. (a) As used in this section, "minority business enterprise" has the meaning set forth in IC 4-13-16.5-1.

(b) As used in this section, "veteran business enterprise" means a business enterprise that has a current verification as a veteran owned small business concern under 38 CFR 74 et seq. by the Center of Veterans Enterprise of the United States Department of Veterans Affairs.

(c) As used in this section, "women's business enterprise" has the meaning set forth in ~~IC 4-13-16.5-1.3.~~ **IC 4-13-16.5-1.**

(d) Except where 49 CFR 26 applies, the fiscal body of an eligible county or another person authorized to carry out a public transportation project under this chapter shall set a goal for participation by minority business enterprises, veteran business enterprises, and women's business enterprises in conformity with the goals established by the department of minority and women's business development of a consolidated city and the goals of the department of administration established under IC 5-22-14-11 **(before July 1, 2020) or IC 4-13-16.5-3.5 (after June 30, 2020)** for veteran business enterprises. The goals must be consistent with the goals of delivering the project on time and within the budgeted amount and, insofar as possible, using Indiana businesses for employees, goods, and services.

P.L.16-2020
[H.1095. Approved March 11, 2020.]

AN ACT to amend the Indiana Code concerning transportation.

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

SECTION 1. IC 8-23-11-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1. **(a)** Whenever a bridge, culvert, roadway, or any other physical property of the state highway system has been damaged to the extent that it is not usable by the traveling public or is unsafe for use, and by order of the governor

or the commissioner it is determined that an emergency exists, the department shall proceed with due diligence to reopen the highway to traffic and make it safe for the traveling public. For this purpose, the department may proceed without advertising for bids if **the department invites**

~~(1)~~ three (3) or more ~~bids are invited from~~ persons prequalified to perform the work required to be done ~~and~~ **to submit a bid within the time specified by the department for that work. Each of the three (3) prequalified persons shall be given an equal amount of time to prepare and submit a bid for the work.**

~~(2)~~ **(b)** The ~~records of the~~ department ~~show~~ **must keep records of:**

(1) the names of those persons invited to bid; **and**

(2) the details of bids submitted;

in accordance with the department's usual contracting procedures.

(c) The department may then award an emergency contract under this section to the lowest responsive bidder.

SECTION 2. IC 8-23-11-2 IS REPEALED [EFFECTIVE JULY 1, 2020]. ~~Sec. 2. The department may proceed to award the contract to a low bidder on an emergency contract even though the bid is in excess of the engineer's estimate, but only if there are at least three (3) bids received, and the low bid does not exceed the engineer's estimate by more than ten percent (10%). If there is an operative bid below the engineer's estimate, this section does not necessitate a minimum number of bids to be received.~~

P.L.17-2020
[H.1104. Approved March 11, 2020.]

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

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

SECTION 1. IC 5-20-5-15.5, AS AMENDED BY P.L.181-2016, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 15.5. (a) The governing body of an eligible entity that receives a grant under this chapter shall, by resolution, establish an affordable housing fund to be administered, subject to the terms of the resolution, by a department, a division, or an agency designated by the governing body.

(b) The affordable housing fund consists of:

(1) payments in lieu of taxes deposited in the fund under IC 36-1-8-14.2 (before its expiration);

(2) gifts and grants to the fund;

(3) investment income earned on the fund's assets;

(4) money deposited in the fund under IC 36-2-7-10; and

(5) other funds from sources approved by the commission.

(c) The governing body shall, by resolution, establish uses for the affordable housing fund. However, the uses must be limited to:

(1) providing financial assistance to those individuals and families whose income is at or below eighty percent (80%) of the county's median income for individuals and families, respectively, to enable those individuals and families to purchase or lease residential units within the county;

(2) paying expenses of administering the fund;

(3) making grants, loans, and loan guarantees for the development, rehabilitation, or financing of affordable housing for individuals and families whose income is at or below eighty percent (80%) of the county's median income for individuals and

families, respectively, including the elderly, persons with disabilities, and homeless individuals and families; and

(4) providing technical assistance to nonprofit developers of affordable housing.

(d) The county treasurer 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) The governing body of an eligible entity shall notify the authority of the creation of an affordable housing fund.

SECTION 2. IC 5-20-7 IS REPEALED [EFFECTIVE JULY 1, 2020]. (Microenterprise Partnership Program Fund).

SECTION 3. IC 5-20-8 IS REPEALED [EFFECTIVE JULY 1, 2020]. (Microenterprise Partnership Program).

SECTION 4. IC 36-7-15.1-35.5, AS AMENDED BY P.L.127-2017, SECTION 207, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 35.5. (a) The general assembly finds the following:

(1) Federal law permits the sale of a multiple family housing project that is or has been covered, in whole or in part, by a contract for project based assistance from the United States Department of Housing and Urban Development without requiring the continuation of that project based assistance.

(2) Such a sale displaces the former residents of a multiple family housing project described in subdivision (1) and increases the shortage of safe and affordable housing for persons of low and moderate income within the county.

(3) The displacement of families and individuals from affordable housing requires increased expenditures of public funds for crime prevention, public health and safety, fire and accident prevention, and other public services and facilities.

(4) The establishment of a supplemental housing program under this section will do the following:

(A) Benefit the health, safety, morals, and welfare of the county and the state.

(B) Serve to protect and increase property values in the county and the state.

(C) Benefit persons of low and moderate income by making affordable housing available to them.

(5) The establishment of a supplemental housing program under this section and sections 32 through 35 of this chapter is:

(A) necessary in the public interest; and

(B) a public use and purpose for which public money may be spent and private property may be acquired.

(b) In addition to its other powers with respect to a housing program under sections 32 through 35 of this chapter, the commission may establish a supplemental housing program. Except as provided by this section, the commission has the same powers and duties with respect to the supplemental housing program that the commission has under sections 32 through 35 of this chapter with respect to the housing program.

(c) One (1) allocation area may be established for the supplemental housing program. The commission is not required to make the findings required under section 34(5) through 34(8) of this chapter with respect to the allocation area. However, the commission must find that the property contained within the boundaries of the allocation area consists solely of one (1) or more multiple family housing projects that are or have been covered, in whole or in part, by a contract for project based assistance from the United States Department of Housing and Urban Development or have been owned at one time by a public housing agency. The allocation area need not be contiguous. The definition of "base assessed value" set forth in section 35(a) of this chapter applies to the special fund established under section 26(b) of this chapter for the allocation area.

(d) The special fund established under section 26(b) of this chapter for the allocation area established under this section may be used only for the following purposes:

(1) Subject to subdivision (2), on January 1 and July 1 of each year the balance of the special fund shall be transferred to the housing trust fund established under subsection (e).

(2) The commission may provide each taxpayer in the allocation area a credit for property tax replacement in the manner provided by section 35(b)(7) of this chapter. Transfers made under subdivision (1) shall be reduced by the amount necessary to provide the credit.

(e) The commission shall, by resolution, establish a housing trust fund to be administered, subject to the terms of the resolution, by:

(1) the housing division of the consolidated city; or

(2) the department, division, or agency that has been designated to perform the public housing function by an ordinance adopted under IC 36-7-18-1.

(f) The housing trust fund consists of:

(1) amounts transferred to the fund under subsection (d);

(2) payments in lieu of taxes deposited in the fund under IC 36-3-2-11 (before its expiration);

(3) gifts and grants to the fund;

(4) investment income earned on the fund's assets;

(5) money deposited in the fund under IC 36-2-7-10(k) or IC 36-2-7-10.7; and

(6) other funds from sources approved by the commission.

(g) The commission shall, by resolution, establish uses for the housing trust fund. However, the uses must be limited to:

(1) providing financial assistance to those individuals and families whose income is at or below eighty percent (80%) of the county's median income for individuals and families, respectively, to enable those individuals and families to purchase or lease residential units within the county;

(2) paying expenses of administering the fund;

(3) making grants, loans, and loan guarantees for the development, rehabilitation, or financing of affordable housing for individuals and families whose income is at or below eighty percent (80%) of the county's median income for individuals and families, respectively, including the elderly, persons with disabilities, and homeless individuals and families;

(4) providing technical assistance to nonprofit developers of affordable housing; and

(5) funding other programs considered appropriate to meet the affordable housing and community development needs of lower income families (as defined in IC 5-20-4-5) and very low income families (as defined in IC 5-20-4-6), including lower income elderly individuals, individuals with disabilities, and homeless individuals.

(h) After June 30, 2017, at least forty percent (40%) of the money deposited in the housing trust fund shall be used for the following purposes:

(1) To assist existing owner occupants with the repair, rehabilitation, or reconstruction of their homes.

(2) To finance the acquisition, rehabilitation, or new construction of homes for home buyers.

(3) To acquire, rehabilitate, or construct rental housing.

(i) At least fifty percent (50%) of the dollars allocated for production, rehabilitation, or purchase of housing must be used for units to be occupied by individuals and families whose income is at or below fifty percent (50%) of the county's area median income for individuals and families, respectively.

(j) The low income housing trust fund advisory committee is established. The low-income housing trust fund advisory committee consists of eleven (11) members. The membership of the low income housing trust fund advisory committee is comprised of:

(1) one (1) member appointed by the mayor, to represent the interests of low income families;

(2) one (1) member appointed by the mayor, to represent the interests of owners of subsidized, multifamily housing communities;

(3) one (1) member appointed by the mayor, to represent the interests of banks and other financial institutions;

(4) one (1) member appointed by the mayor, of the department of metropolitan development;

(5) three (3) members representing the community at large appointed by the commission, from nominations submitted to the commission as a result of a general call for nominations from neighborhood associations, community based organizations, and other social services agencies;

(6) one (1) member appointed by and representing the Coalition for Homeless Intervention and Prevention of Greater Indianapolis;

(7) one (1) member appointed by and representing the Local Initiatives Support Corporation;

(8) one (1) member appointed by and representing the ~~Indianapolis Coalition for Neighborhood Development~~ **Indiana housing and community development authority;** and

(9) one (1) member appointed by and representing the Indianapolis Neighborhood Housing Partnership.

Members of the low income housing trust fund advisory committee serve for a term of four (4) years, and are eligible for reappointment. If a vacancy exists on the committee, the appointing authority who appointed the former member whose position has become vacant shall appoint an individual to fill the vacancy. A committee member may be removed at any time by the appointing authority who appointed the committee member.

(k) The low income housing trust fund advisory committee shall make recommendations to the commission regarding:

(1) the development of policies and procedures for the uses of the low income housing trust fund; and

(2) long term sources of capital for the low income housing trust fund, including:

(A) revenue from:

(i) development ordinances;

(ii) fees; or

(iii) taxes;

(B) financial market based income;

(C) revenue derived from private sources; and

(D) revenue generated from grants, gifts, donations, or income in any other form, from a:

(i) government program;

(ii) foundation; or

(iii) corporation.

(l) The county treasurer 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.

P.L.18-2020
[H.1112. Approved March 11, 2020.]

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

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

SECTION 1. IC 5-28-7-5.5, AS ADDED BY P.L.143-2019, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 5.5. (a) This section applies to a grant initially awarded under this chapter after June 30, 2019.

(b) Eligibility for a grant from the skills enhancement fund under this chapter is limited to cooperative arrangements or agreements that lead to:

(1) for a participating employee that is a new hire, a postsecondary credential, a nationally recognized industry credential, or specialized company training; or

(2) for a participating employee that is an existing worker:

(A) a postsecondary credential, a nationally recognized industry credential, or specialized company training; and

(B) an increase of wages.

An increase of wages with a participating employee or group of participating employees negotiated by agreement, regardless of timing, qualifies as an increase of wages for purposes of subdivision (2)(B).

P.L.19-2020
[H.1129. Approved March 11, 2020.]

AN ACT to amend the Indiana Code concerning health.

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

SECTION 1. IC 16-41-17-2, AS AMENDED BY P.L.1-2019, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 2. (a) Subject to subsection (d), every infant shall be given examinations at the earliest feasible time for the detection of the following disorders:

(1) Phenylketonuria.
(2) Hypothyroidism.
(3) Hemoglobinopathies, including sickle cell anemia.
(4) Galactosemia.
(5) Maple Syrup urine disease.
(6) Homocystinuria.
(7) Inborn errors of metabolism that result in an intellectual disability and that are designated by the state department.
(8) Congenital adrenal hyperplasia.
(9) Biotinidase deficiency.
(10) Disorders detected by tandem mass spectrometry or other technologies with the same or greater detection capabilities as tandem mass spectrometry, if the state department determines that the technology is available for use by a designated laboratory under section 7 of this chapter.
(11) Spinal muscular atrophy.
(12) Severe combined immunodeficiency.
(13) Beginning July 1, 2020, Krabbe disease.
(14) Beginning July 1, 2020, Pompe disease.
(15) Beginning July 1, 2020, Hurler syndrome (MPS1).
(16) Adrenoleukodystrophy (ALD).

(b) Subject to subsection (d), every infant shall be given a physiologic hearing screening examination at the earliest feasible time for the detection of hearing impairments.

(c) ~~Beginning January 1, 2012, and~~ Subject to subsection (d), every infant shall be given a pulse oximetry screening examination ~~at the earliest feasible time~~ **in accordance with rules adopted by the department** for the detection of low oxygen levels. Section 10(a)(2) of this chapter does not apply to this subsection.

(d) If a parent of an infant objects in writing, for reasons pertaining to religious beliefs only, the infant is exempt from the examinations required by this chapter.

P.L.20-2020
[H.1143. Approved March 11, 2020.]

AN ACT to amend the Indiana Code concerning labor and safety.

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

SECTION 1. IC 22-5-8 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]:

Chapter 8. Prohibition Against Requiring the Implantation of Devices

Sec. 1. As used in this chapter, "device" includes any acoustic, optical, mechanical, electronic, medical, or molecular device.

Sec. 2. (a) Except as provided in subsection (c), an employer may not require an employee or prospective employee to take any of the following actions as a condition of employment, as a condition of employment in a particular position, or as a condition of receiving additional compensation or other benefits:

(1) Implant, or undergo a procedure to implant, a device in the candidate's or employee's body.

(2) Inject, or receive an injection of, a device into the candidate's or employee's body.

(3) Ingest, inhale, or otherwise incorporate a device into the candidate's or employee's body.

(b) Except as provided in subsection (c), an employer may not discriminate against an employee with respect to:

(1) the employee's compensation and benefits; or

(2) terms and conditions of employment;

based on the employee's refusal to take an action described in subsection (a).

(c) An employer may, as a condition of employment, as a condition of employment in a particular position, or as a condition of receiving additional compensation or other benefits, require an employee or a prospective employee to comply with a court order that directs the employee or prospective employee to take an action described in subsection (a).

Sec. 3. (a) An employee or prospective employee may bring a civil action against an employer to enforce section 2 of this chapter.

(b) If an employer violates section 2 of this chapter, the court may do the following:

(1) Award:

(A) actual damages; and

(B) court costs and reasonable attorney's fees;

to the prevailing employee or prospective employee.

(2) Enjoin further violation of this chapter.

Sec. 4. This chapter does not limit an employee's or prospective employee's rights or remedies under any other state or federal law.

P.L.21-2020
[H.1166. Approved March 11, 2020.]

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

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

SECTION 1. IC 4-23-28-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: 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, **at least:**

(1) eleven (11) members must be present at the meeting; and
(2) a majority of the members present at the meeting must vote in favor of the action.

P.L.22-2020
[H.1189. Approved March 11, 2020.]

AN ACT to amend the Indiana Code concerning local government.

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

SECTION 1. IC 36-8-10.7 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]:

Chapter 10.7. Use of Firefighting Foam Containing PFAS Chemicals

Sec. 1. As used in this chapter, "Class B firefighting foam" means a foam intended for use in extinguishing flammable liquid fires.

Sec. 2. As used in this chapter, "person" means an individual, a corporation, a limited liability company, a partnership, or another legal entity.

Sec. 3. As used in this chapter, "PFAS chemical" means any chemical of a class of fluorinated organic chemicals, including:

(1) perfluoroalkyl substances; and

(2) polyfluoroalkyl substances;

that contains at least one (1) fully fluorinated carbon atom and is used in firefighting agents.

Sec. 4. As used in this chapter, "state agency" means any agency, board, commission, department, bureau, or other entity of the administrative branch of Indiana state government.

Sec. 5. As used in this chapter, "testing" includes:

(1) calibration testing;

(2) conformance testing; and

(3) fixed and mobile system testing.

Sec. 6. After June 30, 2020, a person, unit, or state agency:

(1) shall not use for training purposes a Class B firefighting foam that contains an intentionally added PFAS chemical; and

(2) for the purposes of training firefighters in the use of firefighting foam, may use only training foam that does not contain intentionally added PFAS chemicals.

Sec. 7. (a) After June 30, 2020, a person, unit, or state agency shall not use for testing purposes a Class B firefighting foam that contains intentionally added PFAS chemicals unless the testing facility has implemented appropriate containment, treatment, and disposal measures to prevent releases of the Class B firefighting foam to the environment.

(b) Subsection (a) applies regardless of whether the testing is required by law or by a unit or state agency having authority concerning testing by firefighters.

Sec. 8. This chapter does not prohibit or restrict:

(1) the manufacture, sale, or distribution of Class B firefighting foam that contains intentionally added PFAS chemicals; or
(2) the use of Class B firefighting foam that contains intentionally added PFAS chemicals in:
(A) an emergency firefighting operation; or
(B) an emergency fire prevention operation.

P.L.23-2020
[H.1224. Approved March 11, 2020.]

AN ACT to amend the Indiana Code concerning motor vehicles.

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

SECTION 1. IC 9-19-11-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 9. (a) The child restraint system account is established within the state general fund to make grants under subsection (d).

(b) The account consists of the following:

(1) Funds collected as judgments for violations under this chapter.

(2) Appropriations to the account from the general assembly.

(3) Grants, gifts, and donations intended for deposit in the account.

(4) Interest that accrues from money in the account.

(c) The account shall be administered by the criminal justice institute.

(d) The criminal justice institute ~~upon the recommendation of the governor's council on impaired and dangerous driving,~~ shall use money in the account to make grants to ~~private and public organizations~~ **entities specified in IC 5-2-6-10** to:

(1) purchase child restraint systems; and

(2) distribute the child restraint systems:

(A) without charge; or

(B) for a minimal charge;

to persons who are not otherwise able to afford to purchase child restraint systems.

The criminal justice institute shall adopt rules under IC 4-22-2 to implement this section.

(e) Money in the account is appropriated continuously to the criminal justice institute for the purposes stated in subsection (a).

(f) The expenses of administering the account shall be paid from money in the account.

(g) 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.

(h) Money in the account at the end of a state fiscal year does not revert to the state general fund.

SECTION 2. IC 9-30-8-3, AS AMENDED BY P.L.71-2016, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 3. (a) The director of the state department of toxicology ~~based on the recommendation of the governor's council on impaired and dangerous driving,~~ shall adopt rules under IC 4-22-2 to establish standards and specifications for a certified ignition interlock device. The standards and specifications must require at a minimum that the device meets the following requirements:

(1) Is accurate.

(2) Does not impede the safe operation of a vehicle.

(3) Provides a minimum opportunity to be bypassed.

(4) Shows evidence of tampering if tampering is attempted.

(5) Has a label affixed warning a person that tampering with or misusing the device is a crime and may subject that person to criminal and civil penalties.

(6) Provides the ability to accurately identify the user.

(b) After July 1, 2015, all ignition interlock devices used in Indiana must be certified under rules adopted by the state department of toxicology.

(c) A vendor or provider may submit an application for approval of an ignition interlock device in a form prescribed by the director of the state department of toxicology.

(d) If testing is required to determine whether an ignition interlock device complies with standards set forth by the state department of toxicology, the testing must be performed by an independent laboratory designated by the state department of toxicology. The vendor shall pay any testing expenses under this section.

(e) If the director of the state department of toxicology finds that the ignition interlock device complies with the standards of the state department of toxicology, the director may approve the ignition interlock device as a certified ignition interlock device.

(f) The director of the state department of toxicology shall provide periodic reports to the ~~governor's council on impaired and dangerous driving,~~ **criminal justice institute,** including, but not limited to:

(1) the number of ignition interlock devices certified by the state department of toxicology;

(2) the number of ignition interlock devices currently installed in Indiana; and

(3) the number of ignition interlock devices rejected by the state department of toxicology.

(g) The state department of toxicology shall consider all recommendations made by the ~~governor's council on impaired and dangerous driving.~~ **criminal justice institute.**

(h) The ~~governor's council on impaired and dangerous driving~~ **criminal justice institute** shall: ~~meet once a year to:~~

(1) evaluate reports submitted by the state department of toxicology;

(2) evaluate and study ignition interlock issues; **and**

(3) make recommendations to the state department of toxicology. ~~and~~

~~(4) make recommendations to the general assembly in an electronic format under IC 5-14-6.~~

SECTION 3. IC 20-27-3-1, AS ADDED BY P.L.218-2005, SECTION 69, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1. (a) The state school bus committee is established. The committee has the following voting members:

(1) The state superintendent or the state superintendent's authorized representative, who serves as chairperson of the committee.

(2) The commissioner of the bureau of motor vehicles, or the commissioner's authorized representative.

(3) The administrator of the motor carrier services division of the department of state revenue.

(4) The director of the ~~governor's council on impaired and dangerous driving.~~ **criminal justice institute.**

(5) A school bus driver appointed by the state superintendent upon the recommendation of the Indiana State Association of School Bus Drivers, Inc.

(6) A superintendent of a school corporation appointed by the state superintendent upon the recommendation of the Indiana Association of Public School Superintendents.

(7) A member of the governing body of a school corporation appointed by the state superintendent upon the recommendation of the Indiana School Boards Association.

(8) A representative of the Indiana School for the Blind and Visually Impaired or the Indiana School for the Deaf appointed by the state superintendent.

(9) A member of the School Transportation Association of Indiana appointed by the state superintendent upon the recommendation of the School Transportation Association of Indiana.

(b) The state superintendent shall designate a secretary from the department who shall keep the official record of the meetings and of official transactions of the committee.

P.L.24-2020
[H.1288. Approved March 11, 2020.]

AN ACT to amend the Indiana Code concerning elections.

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

SECTION 1. IC 3-9-4-4.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2021]: **Sec. 4.5. (a) As used in this section, "board" refers to either of the following:**

(1) A county election board.

(2) A board of elections and registration.

(b) A board may establish a system for electronic filing of reports required to be filed by a candidate or committee under this article.

(c) If a board provides for electronic filing of reports, the board may not require a candidate or a committee to file its reports using the system established under this section.

P.L.25-2020
[H.1334. Approved March 11, 2020.]

AN ACT to amend the Indiana Code concerning environmental law.

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

SECTION 1. IC 16-41-38-2.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 2.5. (a) The state department shall adopt emergency rules in the manner provided under IC 4-22-2-37.1 to amend provisions in 410 IAC 5.1 that concern the following:**

(1) The certification and standards requirements recommended by the federal Environmental Protection Agency applicable to:

(A) radon testing;

(B) radon mitigation; and

(C) laboratory analysis.

(2) Revisions and updates to the administrative rule's definitions and exclusions.

(b) Before December 31, 2021, the state department shall adopt rules under IC 4-22-2 to amend provisions in 410 IAC 5.1 that concern the following:

(1) The certification and standards requirements recommended by the federal Environmental Protection Agency applicable to:

(A) radon testing;

(B) radon mitigation; and

(C) laboratory analysis.

(2) Revisions and updates to the administrative rule's definitions and exclusions.

(c) This section expires July 1, 2022.

P.L.26-2020
[H.1370. Approved March 11, 2020.]

AN ACT to amend the Indiana Code concerning local government.

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

SECTION 1. IC 36-1-7-1, AS AMENDED BY P.L.108-2019, SECTION 244, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1. This chapter applies to the following:

(1) The state.
(2) All political subdivisions.
(3) All state agencies.
(4) Any of the following created **or authorized** by state law:
  (A) Public instrumentalities.
  (B) Public corporate bodies.
(5) Another state to the extent authorized by the law of that state.
(6) Political subdivisions of states other than Indiana, to the extent authorized by laws of the other states.
(7) Agencies of the federal government, to the extent authorized by federal laws.
(8) Indiana charter schools.
(9) A federally recognized Indian tribe, to the extent authorized by the law of the tribe.

SECTION 2. IC 36-1-7-4, AS AMENDED BY P.L.233-2015, SECTION 327, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 4. (a) If an agreement under section 3 of this chapter:

(1) involves as parties:
  (A) only Indiana political subdivisions; or
  (B) an Indiana political subdivision and:
    (i) a public instrumentality; or
    (ii) a public corporate body;

created **or authorized** by state law;

(2) is approved by the fiscal body of each party that is an Indiana political subdivision either before or after the agreement is entered into by the executive of the party; and

(3) delegates to the treasurer or disbursing officer of one (1) of the parties that is an Indiana political subdivision the duty to receive, disburse, and account for all monies of the joint undertaking;

then the approval of the attorney general is not required.

(b) This subsection does not apply to an agreement to which school corporations are the only parties. If subsection (a) does not apply, an agreement under section 3 of this chapter must be submitted to the attorney general for the attorney general's approval. The attorney general shall approve the agreement unless the attorney general finds that it does not comply with the statutes, in which case the attorney general shall detail in writing for the parties the specific respects in which the agreement does not comply. If the attorney general fails to disapprove the agreement within sixty (60) days after it is submitted to the attorney general, it is considered approved.

SECTION 3. IC 36-1-7-15, AS AMENDED BY P.L.221-2007, SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 15. (a) As used in this section, "economic development entity" means any of the following:

(1) A department of redevelopment organized under IC 36-7-14.

(2) A department of metropolitan development under IC 36-7-15.1.

(3) A port authority organized under IC 8-10-5.

(4) An airport authority organized under IC 8-22-3.

(5) The Indiana finance authority.

(6) A regional development authority established under IC 36-7.5 or IC 36-7.6.

(7) A regional planning commission established under IC 36-7-7 or IC 36-7-7.6.

(b) Notwithstanding section 2 of this chapter, two (2) or more economic development entities may enter into a written agreement under section 3 of this chapter if the agreement is approved by each entity's governing body.

(c) A party to an agreement under this section may do one (1) or more of the following:

(1) Except as provided in subsection (d), grant one (1) or more of its powers to another party to the agreement.

(2) Exercise any power granted to it by a party to the agreement.

(3) Pledge any of its revenues, including taxes or allocated taxes under IC 36-7-14, IC 36-7-15.1, or IC 8-22-3.5, to the bonds or lease rental obligations of another party to the agreement under IC 5-1-14-4.

(d) An economic development entity may not grant to another entity the power to tax or to establish an allocation area under IC 8-22-3.5, IC 36-7-14-39, or IC 36-7-15.1.

(e) An agreement under this section does not have to comply with section 3(a)(5) or 4 of this chapter.

(f) An action to challenge the validity of an agreement under this section must be brought within thirty (30) days after the agreement has been approved by all the parties to the agreement. After that period has passed, the agreement is not contestable for any cause.

SECTION 4. IC 36-7-38-1, AS AMENDED BY P.L.110-2017, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1. The following definitions apply throughout this chapter:

(1) "Distressed real property" includes real property in a neglected or unmarketable condition.

(2) "Eligible unit" means:

(A) a county;

(B) a consolidated city;

(C) a second class city; or

(D) a third class city;

to which IC 36-7-9 applies.

(3) "Land bank" means an entity established ~~by or in accordance with an ordinance adopted~~ under section 2 of this chapter.

(4) "Person" means an individual, a corporation, a limited liability company, a partnership, or other legal entity.

SECTION 5. IC 36-7-38-2, AS AMENDED BY P.L.110-2017, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 2. (a) The legislative body of an eligible unit may adopt an ordinance:

(1) establishing a body corporate and politic; or

(2) directing the executive of the eligible unit to organize a nonprofit corporation under IC 23-17;

as an independent instrumentality exercising essential governmental functions.

(b) The legislative bodies of two (2) or more eligible units within a single county or within two (2) or more contiguous counties may enter into an interlocal agreement under IC 36-1-7:

(1) establishing a body corporate and politic; or

(2) directing the executive of one (1) of the eligible units entering into the interlocal agreement to organize a nonprofit corporation under IC 23-17;

as an independent instrumentality exercising essential governmental functions.

(c) The primary purpose of ~~an entity~~ **a land bank** established under ~~this~~ subsection **(a) or (b)** is to manage and improve the marketability of distressed real property located in the territory of the ~~eligible unit~~ **land bank.**

~~(b)~~ **(d)** ~~The legislative body shall specify the following in the~~ **An** ordinance **or interlocal agreement establishing a land bank must specify:**

(1) The name of the ~~entity.~~ **land bank.**

(2) The number of board members, subject to section 4 of this chapter.

~~(c)~~ **(e)** The territory of a land bank established **under subsection (a)** ~~by a county~~ is:

(1) in the case of an eligible unit that is a municipality, the territory of the municipality; or

(2) in the case of an eligible unit that is a county, all the territory of the county, except for the territory of any ~~second class city or third class city~~ **municipality** in the county that has established ~~a~~ **another** land bank.

(f) The territory of a land bank established under subsection (b) is the territory of all the eligible units that have established the land bank, except for the territory of any municipality that has established another land bank under subsection (a) or (b).

SECTION 6. IC 36-7-38-4.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY

1, 2020]: **Sec. 4.5. (a) This section applies to the board of a land bank established under section 2(b) of this chapter.**

(b) The interlocal agreement providing for the establishment of the land bank must specify:

(1) subject to section 4(a) of this chapter, the number of directors of the board of the land bank;

(2) any directors that are to serve as ex officio directors of the board; and

(3) for each director of the board that is to be appointed, the appointing authority.

SECTION 7. IC 36-7-38-12, AS ADDED BY P.L.211-2016, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 12. (a) This subsection does not apply to a consolidated city. The legislative body of an eligible unit that has ~~adopted an ordinance to create~~ **established** a land bank under section 2 of this chapter may not rescind the ordinance that the legislative body adopted under IC 36-7-9-3, unless the land bank is first dissolved.

(b) A land bank does not have authority to exercise the power of eminent domain.

P.L.27-2020
[H.1403. Approved March 11, 2020.]

AN ACT to amend the Indiana Code concerning environmental law.

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

SECTION 1. IC 13-11-2-243.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 243.5. "Used tire", for purposes of IC 13-20-13 and IC 13-20-14, means a tire that meets all of the following criteria:**

(1) The tire is suitable for use on a motor vehicle as follows:

(A) The tire has at least two thirty-seconds (2/32) of an inch of remaining tread, or the tire wear bars are not exposed.

(B) The tire has no cuts, slashes, or exposed cord.

(2) The tire is stored in a rack, stack, or row that:

(A) is accessible for inspection; and

(B) allows access for emergency equipment.

(3) The tire is stored out of the weather to prevent accumulation of water or precipitation in the tires.

SECTION 2. IC 13-20-13-11, AS AMENDED BY P.L.97-2016, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 11. (a) The board shall adopt rules under IC 4-22-2 and IC 13-14-8 necessary to implement this chapter.

(b) The rules adopted under this section must include the following:

(1) Requirements for the registration of waste tire storage sites and waste tire processing operations.

(2) Requirements concerning the following:

(A) The operation of waste tire storage sites and waste tire processing operations.

(B) Proper storage and processing of waste tires.

(C) Contingency plans concerning the minimization of hazards to human health and the environment at waste tire storage sites and waste tire processing operations.

(D) Record keeping guidelines concerning the quantity of waste tires stored and processed at waste tire storage sites and waste tire processing operations.

(E) The transportation of waste tires and loads containing any combination of both waste tires and used tires.

(F) Reporting requirements concerning the transportation of:

(i) waste tires; and

(ii) loads containing any combination of both waste tires and used tires;

that include evidence of proper end point disposal or processing of tires described in this clause.

(3) Financial assurance acceptable to the department necessary for waste tire removal that a person that operates a waste tire

storage site must maintain. **The rules shall provide for the use of a corporate financial test that is substantially similar to the corporate financial test set forth in 40 CFR 258.74(e) as an optional financial assurance mechanism.**

(4) The establishment of the fee required by section 4(a)(6) of this chapter in an amount necessary to cover the costs incurred in the following:

(A) Registering waste tire storage sites and waste tire processing operations under this chapter.

(B) Administering this chapter.

(c) The rules adopted under this section may establish standards and procedures for the legitimate use, instead of disposal, of waste tires, including standards and procedures concerning the following:

(1) Proper storage and handling.

(2) Record keeping.

(3) Circumstances under which the use of a waste tire is not considered a legitimate use.

P.L.28-2020
[S.21. Approved March 14, 2020.]

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

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

SECTION 1. IC 25-26-13-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 16. (a) A pharmacist shall exercise ~~his~~ **the pharmacist's** professional judgment in the best interest of the patient's health when engaging in the practice of pharmacy.

(b) A pharmacist has a duty to honor all prescriptions from a practitioner or from a physician, podiatrist, dentist, **advanced practice registered nurse, physician assistant,** or veterinarian licensed under the laws of another state. Before honoring a prescription, the pharmacist shall take reasonable steps to determine whether the prescription has been issued in compliance with the laws of the state where it originated. The pharmacist is immune from criminal prosecution or civil liability if ~~he,~~ **the pharmacist,** in good faith, refuses to honor a prescription because, in ~~his~~ **the pharmacist's** professional judgment, the honoring of the prescription would:

(1) be contrary to law;

(2) be against the best interest of the patient;

(3) aid or abet an addiction or habit; or

(4) be contrary to the health and safety of the patient.

SECTION 2. **An emergency is declared for this act.**

P.L.29-2020

[S.39. Approved March 14, 2020.]

AN ACT to amend the Indiana Code concerning motor vehicles.

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

SECTION 1. IC 9-30-6-8, AS AMENDED BY P.L.188-2015, SECTION 109, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 8. (a) **Except as provided in IC 9-30-16-1(g),** whenever a judicial officer has determined that there was probable cause to believe that a person has violated IC 9-30-5, IC 35-46-9, or IC 14-15-8 (before its repeal), the clerk of the court shall forward:

(1) a paper copy of the affidavit, or an electronic substitute; or

(2) a bureau certificate as described in section 16 of this chapter; to the bureau **at the conclusion of the initial hearing under subsection (c).**

(b) The probable cause affidavit required under section 7(b)(2) of this chapter must do the following:

(1) Set forth the grounds for the arresting officer's belief that there was probable cause that the arrested person was operating a vehicle in violation of IC 9-30-5 or a motorboat in violation of IC 35-46-9 or IC 14-15-8 (before its repeal).

(2) State that the person was arrested for a violation of IC 9-30-5 or operating a motorboat in violation of IC 35-46-9 or IC 14-15-8 (before its repeal).

(3) State whether the person:

(A) refused to submit to a chemical test when offered; or

(B) submitted to a chemical test that resulted in prima facie evidence that the person was intoxicated.

(4) Be sworn to by the arresting officer.

(c) Except as provided in subsection (d), if it is determined under subsection (a) that there was probable cause to believe that a person has violated IC 9-30-5, IC 35-46-9, or IC 14-15-8 (before its repeal), at the initial hearing of the matter held under IC 35-33-7-1 the court shall recommend immediate suspension of the person's driving privileges to take effect on the date the order is entered, and forward to the bureau a copy of the order recommending immediate suspension of driving privileges.

(d) If it is determined under subsection (a) that there is probable cause to believe that a person violated IC 9-30-5, the court may, as an alternative to suspension of the person's driving privileges under subsection (c), issue an order recommending that the person be prohibited from operating a motor vehicle unless the motor vehicle is equipped with a functioning certified ignition interlock device under IC 9-30-8 until the bureau is notified by a court that the criminal charges against the person have been resolved.

(e) A person commits a Class B infraction if the person:

(1) operates a motor vehicle without a functioning certified ignition interlock device; and

(2) is prohibited from operating a motor vehicle unless the motor vehicle is equipped with a functioning certified ignition interlock device under subsection (d).

(f) A person commits a Class B misdemeanor if the person:

(1) operates a motor vehicle without a functioning certified ignition interlock device; and

(2) knows the person is prohibited from operating a motor vehicle unless the motor vehicle is equipped with a functioning certified ignition interlock device under subsection (d).

SECTION 2. IC 9-30-16-3, AS AMENDED BY P.L.161-2018, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 3. (a) This section does not apply to specialized driving privileges granted in accordance with section 3.5 of this chapter. If a court orders a suspension of driving privileges under this chapter, or imposes a suspension of driving privileges under IC 9-30-6-9(c), the court may stay the suspension and grant a specialized driving privilege as set forth in this section.

(b) An individual who seeks specialized driving privileges must file a petition for specialized driving privileges in each court that has ordered or imposed a suspension of the individual's driving privileges. Each petition must:

(1) be verified by the petitioner;

(2) state the petitioner's age, date of birth, and address;

(3) state the grounds for relief and the relief sought;

(4) be filed in the court case that resulted in the order of suspension; and

(5) be served on the bureau and the prosecuting attorney.

A prosecuting attorney shall appear on behalf of the bureau to respond to a petition filed under this subsection.

(c) Except as provided in subsection (h), regardless of the underlying offense, specialized driving privileges granted under this section shall be granted for **a period of time as determined by the court. A court, at its discretion, may set periodic review hearings to review an individual's specialized driving privileges.**

~~(1) at least one hundred eighty (180) days; and~~

~~(2) not more than two and one-half (2 1/2) years.~~

(d) The terms of specialized driving privileges must be determined by a court.

(e) A stay of a suspension and specialized driving privileges may not be granted to an individual who:

(1) has previously been granted specialized driving privileges; and

(2) has more than one (1) conviction under section 5 of this chapter.

(f) An individual who has been granted specialized driving privileges shall:

(1) maintain proof of future financial responsibility insurance during the period of specialized driving privileges;

(2) carry a copy of the order granting specialized driving privileges or have the order in the vehicle being operated by the individual;

(3) produce the copy of the order granting specialized driving privileges upon the request of a police officer; and

(4) carry a validly issued state identification card or driver's license.

(g) An individual who holds a commercial driver's license and has been granted specialized driving privileges under this chapter may not, for the duration of the suspension for which the specialized driving privileges are sought, operate any vehicle that requires the individual to hold a commercial driver's license to operate the vehicle.

(h) Whenever a suspension of an individual's driving privileges under this chapter is terminated because:

(1) the underlying conviction, judgment, or finding that forms the basis of the suspension is reversed, vacated, or dismissed; or

(2) the individual is acquitted of, found not liable for, or otherwise found not to have committed the underlying act or offense that forms the basis of the suspension;

the individual's specialized driving privileges expire at the time the suspension of the individual's driving privileges is terminated.

(i) The court shall inform the bureau of a termination of a suspension and expiration of specialized driving privileges as described under subsection (h) in a format designated by the bureau.

SECTION 3. IC 9-30-16-3.5, AS AMENDED BY P.L.46-2018, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 3.5. (a) If a court imposes a suspension of driving

privileges under IC 9-21-5-11(f), the court may stay the suspension and grant a specialized driving privilege as set forth in this section.

(b) Except as provided in subsection (g), specialized driving privileges granted under this section shall be granted for ~~sixty (60) days, or the remainder of the sixty (60) day period of suspension as set forth in IC 9-30-13-9(b)(2) if a petition for specialized driving privileges is filed in the manner set forth under subsection (f).~~ **a period of time as determined by the court. A court, at its discretion, may set periodic review hearings to review an individual's specialized driving privileges.**

(c) Specialized driving privileges granted under this section:

(1) must be determined by a court; and

(2) are limited to restricting the individual to being allowed to operate a motor vehicle between the place of employment of the individual and the individual's residence.

(d) An individual who has been granted specialized driving privileges under this section shall:

(1) maintain proof of future financial responsibility insurance during the period of specialized driving privileges;

(2) carry a copy of the order granting specialized driving privileges or have the order in the vehicle being operated by the individual;

(3) produce the copy of the order granting specialized driving privileges upon the request of a police officer; and

(4) carry a validly issued driver's license.

(e) An individual who holds a commercial driver's license and has been granted specialized driving privileges under this chapter may not, for the duration of the suspension for which the specialized driving privileges are sought, operate a motor vehicle that requires the individual to hold a commercial driver's license to operate the motor vehicle.

(f) An individual who seeks specialized driving privileges must file a petition for specialized driving privileges in each court that has ordered or imposed a suspension of the individual's driving privileges. Each petition must:

(1) be verified by the petitioner;

(2) state the petitioner's age, date of birth, and address;

(3) state the grounds for relief and the relief sought;

(4) be filed in the court that ordered or imposed the suspension; and

(5) be served on the bureau and the prosecuting attorney.

A prosecuting attorney shall appear on behalf of the bureau to respond to a petition filed under this subsection.

(g) Whenever a suspension of an individual's driving privileges under this chapter is terminated because:

(1) the underlying conviction, judgment, or finding that forms the basis of the suspension is reversed, vacated, or dismissed; or

(2) the individual is acquitted of, found not liable for, or otherwise found not to have committed the underlying act or offense that forms the basis of the suspension;

the individual's specialized driving privileges expire at the time the suspension of the individual's driving privileges is terminated.

(h) The court shall inform the bureau of a termination of a suspension of driving privileges and expiration of specialized driving privileges as described under subsection (g) in a format designated by the bureau.

P.L.30-2020
[S.78. Approved March 14, 2020.]

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

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

SECTION 1. IC 5-28-28.4-2, AS ADDED BY P.L.162-2007, SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 2. **(a) As used in this section, "office" means the office of community and rural affairs established by IC 4-4-9.7-4.**

~~(a)~~ **(b)** As used in this section, "permit" means any local, state, or federal agency permit, license, certificate, approval, registration, or similar form of approval required by statute, administrative rule, regulation, ordinance, or resolution.

~~(b) In addition to the duties set forth in section 1 of this chapter, the shovel ready site development center shall, in cooperation with political subdivisions, create programs to enable political subdivisions to obtain all or part of any permits to create sites that are ready for economic development.~~

(c) To support the duties set forth in section 1 of this chapter, the office shall, in cooperation with the corporation and political subdivisions, administer the shovel ready site development center to enable political subdivisions to obtain all or part of any permits to create sites that are ready for economic development. The office shall serve as the certifying body for acceptance into the program and determine the criteria to be used to certify sites.

P.L.31-2020
[S.109. Approved March 14, 2020.]

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

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

SECTION 1. IC 5-2-6.1-16, AS AMENDED BY P.L.65-2016, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 16. (a) A person eligible for assistance under section 12 of this chapter may file an application for assistance with the division if the violent crime was committed in Indiana.

(b) Except as provided in ~~subsection (c),~~ **subsections (e) and (f),** the application must be received by the division not more than one hundred

eighty (180) days after the date the crime was committed. The division may grant an extension of time for good cause shown by the claimant. However, and except as provided in ~~subsection (e),~~ **subsections (e) and (f),** the division may not accept an application that is received more than two (2) years after the date the crime was committed.

(c) The application must be filed in the office of the division in person, through the division's Internet web site, or by first class or certified mail. If requested, the division shall assist a victim in preparing the application.

(d) The division shall accept all applications filed in compliance with this chapter. Upon receipt of a complete application, the division shall promptly begin the investigation and processing of an application.

(e) An alleged victim of a child sex crime may submit an application to the division until the victim becomes thirty-one (31) years of age **or in accordance with subsection (f).**

(f) An alleged victim of a child sex crime described in IC 35-41-4-2(e) which meets the requirements of IC 35-41-4-2(p) may submit an application to the division not later than five (5) years after the earliest of the date on which:

(1) the state first discovers evidence sufficient to charge the offender with the offense through DNA (deoxyribonucleic acid) analysis;

(2) the state first becomes aware of the existence of a recording (as defined in IC 35-31.5-2-273) that provides evidence sufficient to charge the offender with the offense; or

(3) a person confesses to the offense.

~~(f)~~ **(g)** An alleged victim of a battery offense included in IC 35-42-2 upon a child less than fourteen (14) years of age may submit an application to the division not later than five (5) years after the commission of the offense.

SECTION 2. IC 35-41-4-2, AS AMENDED BY P.L.211-2019, SECTION 45, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 2. (a) Except as otherwise provided in this section, a prosecution for an offense is barred unless it is commenced:

(1) within five (5) years after the commission of the offense, in the case of a Class B, Class C, or Class D felony (for a crime committed before July 1, 2014) or a Level 3, Level 4, Level 5, or Level 6 felony (for a crime committed after June 30, 2014); or

(2) within two (2) years after the commission of the offense, in the case of a misdemeanor.

(b) A prosecution for a Class B or Class C felony (for a crime committed before July 1, 2014) or a Level 3, Level 4, or Level 5 felony (for a crime committed after June 30, 2014) that would otherwise be barred under this section may be commenced within one (1) year after the earlier of the date on which the state:

(1) first discovers evidence sufficient to charge the offender with the offense through DNA (deoxyribonucleic acid) analysis; or

(2) could have discovered evidence sufficient to charge the offender with the offense through DNA (deoxyribonucleic acid) analysis by the exercise of due diligence.

(c) Except as provided in subsection (e), a prosecution for a Class A felony (for a crime committed before July 1, 2014) or a Level 1 felony or Level 2 felony (for a crime committed after June 30, 2014) may be commenced at any time.

(d) A prosecution for murder may be commenced:

(1) at any time; and

(2) regardless of the amount of time that passes between:

(A) the date a person allegedly commits the elements of murder; and

(B) the date the alleged victim of the murder dies.

(e) **Except as provided in subsection (p),** a prosecution for the following offenses is barred unless commenced before the date that the alleged victim of the offense reaches thirty-one (31) years of age:

(1) IC 35-42-4-3 (Child molesting).

(2) IC 35-42-4-5 (Vicarious sexual gratification).

(3) IC 35-42-4-6 (Child solicitation).

(4) IC 35-42-4-7 (Child seduction).

(5) IC 35-42-4-9 (Sexual misconduct with a minor).

(6) IC 35-46-1-3 (Incest).

(f) A prosecution for forgery of an instrument for payment of money, or for the uttering of a forged instrument, under IC 35-43-5-2, is barred unless it is commenced within five (5) years after the maturity of the instrument.

(g) If a complaint, indictment, or information is dismissed because of an error, defect, insufficiency, or irregularity, a new prosecution may be commenced within ninety (90) days after the dismissal even if the

period of limitation has expired at the time of dismissal, or will expire within ninety (90) days after the dismissal.

(h) The period within which a prosecution must be commenced does not include any period in which:

(1) the accused person is not usually and publicly resident in Indiana or so conceals himself or herself that process cannot be served;

(2) the accused person conceals evidence of the offense, and evidence sufficient to charge the person with that offense is unknown to the prosecuting authority and could not have been discovered by that authority by exercise of due diligence; or

(3) the accused person is a person elected or appointed to office under statute or constitution, if the offense charged is theft or conversion of public funds or bribery while in public office.

(i) For purposes of tolling the period of limitation only, a prosecution is considered commenced on the earliest of these dates:

(1) The date of filing of an indictment, information, or complaint before a court having jurisdiction.

(2) The date of issuance of a valid arrest warrant.

(3) The date of arrest of the accused person by a law enforcement officer without a warrant, if the officer has authority to make the arrest.

(j) A prosecution is considered timely commenced for any offense to which the defendant enters a plea of guilty, notwithstanding that the period of limitation has expired.

(k) The following apply to the specified offenses:

(1) A prosecution for an offense under IC 30-2-9-7(b) (misuse of funeral trust funds) is barred unless commenced within five (5) years after the date of death of the settlor (as described in IC 30-2-9).

(2) A prosecution for an offense under IC 30-2-10-9(b) (misuse of funeral trust funds) is barred unless commenced within five (5) years after the date of death of the settlor (as described in IC 30-2-10).

(3) A prosecution for an offense under IC 30-2-13-38(f) (misuse of funeral trust or escrow account funds) is barred unless commenced within five (5) years after the date of death of the purchaser (as defined in IC 30-2-13-9).

(l) A prosecution for an offense under IC 23-2-6, IC 23-2.5, IC 23-14-48-9, or IC 23-19 is barred unless commenced within five (5) years after the earlier of the date on which the state:

(1) first discovers evidence sufficient to charge the offender with the offense; or

(2) could have discovered evidence sufficient to charge the offender with the offense by the exercise of due diligence.

(m) A prosecution for a sex offense listed in IC 11-8-8-4.5 that is committed against a child and that is not:

(1) a Class A felony (for a crime committed before July 1, 2014) or a Level 1 felony or Level 2 felony (for a crime committed after June 30, 2014); or

(2) listed in subsection (e);

is barred unless commenced within ten (10) years after the commission of the offense, or within four (4) years after the person ceases to be a dependent of the person alleged to have committed the offense, whichever occurs later.

(n) A prosecution for rape (IC 35-42-4-1) as a Class B felony (for a crime committed before July 1, 2014) or as a Level 3 felony (for a crime committed after June 30, 2014) that would otherwise be barred under this section may be commenced not later than five (5) years after the earlier of the date on which:

(1) the state first discovers evidence sufficient to charge the offender with the offense through DNA (deoxyribonucleic acid) analysis;

(2) the state first becomes aware of the existence of a recording (as defined in IC 35-31.5-2-273) that provides evidence sufficient to charge the offender with the offense; or

(3) a person confesses to the offense.

(o) A prosecution for criminal deviate conduct (IC 35-42-4-2) (repealed) as a Class B felony for a crime committed before July 1, 2014, that would otherwise be barred under this section may be commenced not later than five (5) years after the earliest of the date on which:

(1) the state first discovers evidence sufficient to charge the offender with the offense through DNA (deoxyribonucleic acid) analysis;

(2) the state first becomes aware of the existence of a recording (as defined in IC 35-31.5-2-273) that provides evidence sufficient to charge the offender with the offense; or

(3) a person confesses to the offense.

(p) A prosecution for an offense described in subsection (e) that would otherwise be barred under this section may be commenced not later than five (5) years after the earliest of the date on which:

(1) the state first discovers evidence sufficient to charge the offender with the offense through DNA (deoxyribonucleic acid) analysis;

(2) the state first becomes aware of the existence of a recording (as defined in IC 35-31.5-2-273) that provides evidence sufficient to charge the offender with the offense; or

(3) a person confesses to the offense.

P.L.32-2020

[S.358. Approved March 14, 2020.]

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

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

SECTION 1. IC 25-34.1-3-4.1, AS AMENDED BY P.L.177-2015, SECTION 72, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 4.1. (a) To obtain a broker license, an individual must:

(1) be at least eighteen (18) years of age before applying for a license and must not have a conviction for:

(A) an act that would constitute a ground for disciplinary sanction under IC 25-1-11;

(B) a crime that has a direct bearing on the individual's ability to practice competently; or

(C) a crime that indicates the individual has the propensity to endanger the public;

(2) have a high school diploma or a general educational development (GED) diploma under IC 20-20-6 (before its repeal) or IC 22-4.1-18;

(3) have successfully completed an approved broker course of study as prescribed in IC 25-34.1-5-5;

(4) apply for a license by submitting the application fee prescribed by the commission and an application specifying:

(A) the name, address, and age of the applicant;

(B) the broker company with which the applicant intends to associate;

(C) the address of the broker company;

(D) proof of compliance with subdivisions (2) and (3); and

(E) any other information the commission requires;

(5) pass a written examination prepared and administered by the commission or its duly appointed agent; and

(6) within one (1) year after passing the commission examination, submit the license fee established by the commission under IC 25-1-8-2. If an individual applicant fails to file a timely license fee, the commission shall void the application and may not issue a license to that applicant unless that applicant again complies with the requirements of subdivisions (4) and (5) and this subdivision.

(b) To obtain a broker license, a partnership must:

(1) have as partners only individuals who are licensed brokers;

(2) have at least one (1) partner who qualifies as a managing broker under IC 25-34.1-4-0.5 and IC 25-34.1-4-3;

(3) cause each employee of the partnership who acts as a broker to be licensed; and

(4) submit the license fee established by the commission under IC 25-1-8-2 and an application setting forth the name and residence address of each partner and the information prescribed in subsection (a)(4).

(c) To obtain a broker license, a corporation must:

(1) have a licensed broker who qualifies as a managing broker under IC 25-34.1-4-0.5 and IC 25-34.1-4-3;

(2) cause each employee of the corporation who acts as a broker to be licensed; and

(3) submit the license fee established by the commission under IC 25-1-8-2, an application setting forth the name and residence address of each officer and the information prescribed in subsection (a)(4), a copy of the certificate of incorporation, and a certificate of good standing of the corporation issued by the secretary of state.

(d) To obtain a broker license, a limited liability company must:

(1) if a member-managed limited liability company:

(A) have as members only individuals who are licensed brokers; and

(B) have at least one (1) member who qualifies as a managing broker under IC 25-34.1-4-0.5 and IC 25-34.1-4-3;

(2) if a manager-managed limited liability company, have a licensed broker who qualifies as a managing broker under IC 25-34.1-4-0.5 and IC 25-34.1-4-3;

(3) cause each employee of the limited liability company who acts as a broker to be licensed; and

(4) submit the license fee established by the commission under IC 25-1-8-2 and an application setting forth the information prescribed in subsection (a)(4), together with:

(A) if a member-managed company, the name and residence address of each member; or

(B) if a manager-managed company, the name and residence address of each manager, or of each officer if the company has officers.

(e) Licenses granted to partnerships, corporations, and limited liability companies are issued, expire, are renewed, and are effective on the same terms as licenses granted to individual brokers, except as provided in subsection (h), and except that expiration or revocation of the license of:

(1) any partner in a partnership or all individuals in a corporation satisfying subsection (c)(1); or

(2) a member in a member-managed limited liability company or all individuals in a manager-managed limited liability company satisfying subsection (d)(2);

terminates the license of that partnership, corporation, or limited liability company.

(f) Upon the applicant's compliance with the requirements of subsection (a), (b), or (c), the commission shall issue the applicant a broker license and an identification card which certifies the issuance of the license and indicates the expiration date of the license. The license shall be displayed at the broker's place of business. For at least two (2) years after the issuance of a license, the individual cannot be a managing broker. An individual who applies for a broker's license after June 30, 2014, must, during the first two (2) years after the license is issued, take and pass at least thirty (30) hours of postlicensing education focused on the practical matters of real estate transactions instead of the continuing education requirements under IC 25-34.1-9.

(g) Subject to IC 25-1-2-6(e), unless the license is renewed, a broker license expires, for individuals, on a date specified by the licensing agency under IC 25-1-6-4 and expires three (3) years after the initial expiration date. An applicant for renewal shall submit an application in the manner prescribed by the commission and pay the renewal fee established by the commission under IC 25-1-8-2 on or before the renewal date specified by the licensing agency. If the holder of a license does not renew the license by the date specified by the licensing agency, the license expires and becomes invalid without the commission taking any action.

(h) Subject to IC 25-1-2-6(e), if the holder of a license under this section fails to renew the license on or before the date specified by the licensing agency, the license may be reinstated by the commission if the holder of the license, not later than three (3) years after the expiration of the license, meets the requirements of IC 25-1-8-6(c).

(i) If a license under this section has been expired for more than three (3) years, the license may be reinstated by the commission if the holder meets the requirements for reinstatement under IC 25-1-8-6(d).

(j) A partnership, corporation, or limited liability company may be only a broker company, except as authorized in IC 23-1.5 **and subject to section 4.5 of this chapter.** An individual broker who associates with a broker company shall immediately notify the commission:

(1) of the name and business address of the broker company with which the individual broker is associating; and

(2) of any changes of the broker company with which the individual broker is associated that may occur.

Upon receiving notice under subdivision (1) or (2), the commission shall change the address of the individual broker on its records to that of the broker company.

SECTION 2. IC 25-34.1-3-4.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 4.5. (a) A broker company may pay compensation directly to a business entity that is owned by a broker and associated with the broker company and that has been formed for the purpose of receiving compensation earned by the broker.**

(b) A business entity that receives compensation from a broker company as provided for in this section:

(1) is not required to be licensed as a broker company; and

(2) must be owned:

(A) solely by the broker; or

(B) by the broker and the broker's spouse, if the spouse is not licensed.

P.L.33-2020

[H.1015. Approved March 14, 2020.]

AN ACT to amend the Indiana Code concerning local government.

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

SECTION 1. IC 36-8-2.1-1 IS REPEALED [EFFECTIVE JULY 1, 2020]. ~~Sec. 1. This chapter applies only to a police officer who is a~~

~~full-time, paid, nonprobationary member of a police department. This chapter does not apply to a member of the state police department.~~

SECTION 2. IC 36-8-2.1-1.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 1.1. As used in this chapter, "fire department" has the meaning set forth in IC 36-8-2.2-3.**

SECTION 3. IC 36-8-2.1-2.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 2.1. As used in this chapter, "interviewer" means the:**

(1) police officer who interviews a police officer; or

(2) fire department member or official who interviews a firefighter;

who is the subject of a complaint or internal investigation.

SECTION 4. IC 36-8-2.1-2.2 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 2.2. As used in this chapter, "officer in charge of the investigation" means the following:**

(1) The police officer in charge of the investigation of a complaint made against, or an internal investigation of, a police officer.

(2) The member or official of the fire department in charge of the investigation of a complaint made against, or an internal investigation of, a firefighter.

SECTION 5. IC 36-8-2.1-3.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 3.1. As used in this chapter, "public safety officer" means the following:**

(1) A police officer who is a full-time, paid, nonprobationary member of a police department. The term does not include a member of the state police department.

(2) A firefighter who is a full-time, paid, nonprobationary member of a fire department. The term does not include a volunteer firefighter.

SECTION 6. IC 36-8-2.1-4, AS ADDED BY P.L.271-2019, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 4. A ~~police~~ **public safety** officer ~~as described in section 1 of this chapter~~ has at least the rights set forth in this chapter.

SECTION 7. IC 36-8-2.1-5, AS ADDED BY P.L.271-2019, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 5. (a) This section applies to a ~~police~~ **public safety** officer who is the subject of a complaint or an internal investigation.

(b) When a ~~police~~ **public safety** officer is subjected to interview by the ~~police~~ **public safety** officer's department, as described in subsection (a), the following procedures apply:

(1) The interview shall be conducted at a reasonable hour, preferably at a time when the ~~police~~ **public safety** officer is on duty, unless, in the judgment of the ~~interviewing officer,~~ **interviewer,** the seriousness of the investigation requires an immediate interview.

(2) The interview shall take place at the ~~police~~ **public safety officer's** department or an equivalent office setting designated by the ~~interviewing officer.~~ **interviewer.**

(3) The ~~interviewing officer~~ **interviewer** shall inform the ~~police~~ **public safety** officer of the name, rank, and assignment of the officer **or member of the fire department** in charge of the investigation, the ~~interviewing officer,~~ **interviewer,** and all other persons present during the interview.

(4) The ~~interviewing officer~~ **interviewer** shall present the ~~police~~ **public safety** officer with a statement of rights to be signed by the ~~interviewing officer~~ **interviewer** and the ~~police~~ **public safety** officer. The statement of rights must be in substantially the following form:

STATEMENT OF RIGHTS

I wish to advise you that you are being questioned as part of an official investigation of the _____ Department. You will be asked questions specifically, directly, and narrowly related to the performance of your official duties as a _____ or concerning your fitness for service as a ____. You have the constitutional right not to incriminate yourself.

Under no circumstances will your statement be used in any subsequent criminal court action against you. However, factual information contained in the internal affairs file on this investigation, including your statement, is generally discoverable in civil rights litigation filed in federal or state

court and may be used to impeach your testimony. In addition, this factual information may be used in any criminal proceeding in which you are a witness.

I further wish to advise you that if you refuse to give a statement or answer questions relating to the performance of your official duties or fitness for duty, you will be subjected to departmental charges that could result in your dismissal from the ____ Department.

Signed _____ ~~(Interviewing officer).~~ **(Interviewer).**

I have read the above and understand it fully. I sign this statement having been advised of the above rights before any questions have been asked of me.

Signed _____ (Police officer **or Firefighter).**

Date and time _____.

(5) In a noncriminal case, once a ~~police~~ **public safety** officer is scheduled for an interview under this subsection, the officer in charge of the investigation must provide the ~~police~~ **public safety** officer with a copy of the complaint, if one exists. In a criminal case, the officer in charge of the investigation must inform the ~~police~~ **public safety** officer of the nature of the complaint. The officer in charge of the investigation is not required to disclose the name of the complainant to the ~~police~~ **public safety** officer.

(6) An interview session shall be for a reasonable duration of time and must allow for personal necessities and rest periods as reasonably necessary.

(7) An interview of a ~~police~~ **public safety** officer as described in this subsection shall be tape recorded at the request of either party. A written transcript must be provided to the ~~police~~ **public safety** officer upon request, at no cost to the ~~police~~ **public safety** officer.

(8) If at the time of the interview the ~~police~~ **public safety** officer is under arrest or in custody, the ~~interviewing officer~~ **interviewer** must completely inform the ~~police~~ **public safety** officer of the ~~police~~ **public safety** officer's federal and state constitutional rights regarding self-incrimination prior to the commencement of the interview.

(9) A ~~police~~ **public safety** officer may not be required to waive any immunities under federal or state law at any point in an investigation.

(10) A question posed to a ~~police~~ **public safety** officer must specifically, directly, and narrowly relate to the performance of duties or fitness for service as a ~~police~~ **public safety** officer.

(11) A ~~police~~ **public safety** officer shall have the right to be represented by an attorney or other representative during an interview where the interview relates to the ~~police~~ **public safety** officer's continued fitness for law enforcement service **(in the case of a police officer) or fire service (in the case of a firefighter).** The ~~police~~ **public safety** officer shall be provided a reasonable period of time to obtain representation, which may not exceed seventy-two (72) hours from the time of request, unless agreed upon by both parties. The attorney or representative may not participate in the interview, except to advise the ~~police~~ **public safety** officer.

SECTION 8. IC 36-8-2.1-6, AS ADDED BY P.L.271-2019, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 6. **(a)** This chapter does not affect a contract **concerning police officers** executed or renewed before July 1, 2019.

(b) This chapter does not affect a contract concerning firefighters executed or renewed before July 1, 2020.

SECTION 9. IC 36-8-2.1-7, AS ADDED BY P.L.271-2019, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 7. The rights of a ~~police~~ **public safety** officer provided by this chapter are in addition to and do not abridge, diminish, or cancel the rights and privileges of a ~~police~~ **public safety** officer that are provided under contract or any other law.

SECTION 10. IC 36-8-2.1-8, AS ADDED BY P.L.271-2019, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 8. Except when on duty or acting in an official capacity and except where otherwise provided by state or federal law, a ~~police~~ **public safety** officer may not be:

(1) discouraged from engaging in political activity; or

(2) denied the right to choose to refrain from engaging in political activity;

provided such activities do not impede or impair the efficient operation of the ~~police~~ **public safety officer's** department.

SECTION 11. IC 36-8-2.1-9, AS ADDED BY P.L.271-2019, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 9. A ~~police~~ **public safety** officer may not, except as provided in IC 36-8-3-4 and IC 36-8-10-11, be:

(1) dismissed;

(2) transferred;

(3) reassigned;

(4) subjected to a personnel action that may result in the loss of pay or benefits; or

(5) subjected to a disciplinary measure resulting in monetary loss;

unless the ~~police~~ **public safety** officer is notified of the action and the reason for the action in advance of the effective date of the action.

SECTION 12. IC 36-8-2.1-10, AS ADDED BY P.L.271-2019, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 10. A ~~police~~ **public safety** officer may not be threatened with or subjected to:

(1) discipline; or

(2) denial of a promotion, transfer, or reassignment;

for exercising rights granted under this chapter.

SECTION 13. IC 36-8-2.1-11, AS ADDED BY P.L.271-2019, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 11. (a) Except as provided in subsection (b), for purposes of a personnel assignment or other personnel action, a ~~police~~ **public safety** officer may not be required to disclose the possession of property or assets, income, debts, or personal or household expenditures, unless the information is obtained through legal process or indicates a conflict of interest that affects the ~~police~~ **public safety** officer's performance of official duties.

(b) This section does not apply to inquiries made by authorized agents of a tax collecting agency.

SECTION 14. IC 36-8-2.2-2, AS ADDED BY P.L.140-2017, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 2. (a) This chapter does not apply to any interview, interrogation, or other proceeding that is part of an investigation of criminal charges against a firefighter.

(b) This chapter does not apply to any interview, interrogation, or other interaction that is part of an investigation of a firefighter's conduct, **including an interview or investigation to which IC 36-8-2.1 applies.**

P.L.34-2020
[H.1047. Approved March 14, 2020.]

AN ACT to amend the Indiana Code concerning courts and court officers.

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

SECTION 1. IC 33-38-9-6, AS AMENDED BY P.L.179-2015, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. The judicial conference shall do the following:

(1) Promote an exchange of experience and suggestions regarding the operation of Indiana's judicial system.

(2) Promote the continuing education of judges.

(3) Seek to promote a better understanding of the judiciary.

(4) Act as administrator for probationers participating in the interstate compact for the supervision of parolees and probationers under IC 11-13-4-3.

(5) Act as compact administrator for probationers participating in the interstate compact on juveniles under IC 11-13-4-3.

~~(6) Staff the justice reinvestment advisory council under IC 33-38-9.5.~~

SECTION 2. IC 33-38-9.5-2, AS AMENDED BY P.L.108-2019, SECTION 240, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) The justice reinvestment

advisory council is established. The advisory council consists of the following members:

(1) The executive director of the Indiana public defender council or the executive director's designee.

(2) The executive director of the Indiana prosecuting attorneys council or the executive director's designee.

(3) The director of the division of mental health and addiction or the director's designee.

(4) The president of the Indiana Sheriffs' Association or the president's designee.

(5) The commissioner of the Indiana department of correction or the commissioner's designee.

(6) The chief administrative officer of the office of judicial administration or the chief administrative officer's designee.

(7) The executive director of the Indiana criminal justice institute or the executive director's designee.

(8) The president of the Indiana Association of Community Corrections Act Counties or the president's designee.

(9) The president of the Probation Officers Professional Association of Indiana or the president's designee.

(10) The budget director or the budget director's designee.

(11) The executive director of the Association of Indiana Counties or the executive director's designee.

(12) The president of the Indiana Judges Association or the president's designee.

(13) The chair of the Indiana public defender commission or the chair's designee.

(14) The chair of the senate corrections and criminal law committee or the chair's designee.

(15) The ranking minority member of the senate corrections and criminal law committee or the ranking minority member's designee.

(16) The chair of the house courts and criminal code committee or the chair's designee.

(17) The ranking minority member of the house courts and criminal code committee or the ranking minority member's designee.

(18) The governor or the governor's designee.

(b) The ~~chief administrative officer of the office of judicial administration~~ **chief justice or the chief justice's designee** shall serve as chairperson of the advisory council.

(c) The ~~purpose~~ **duties** of the advisory council ~~is to conduct a state level review and evaluation of:~~ **include:**

(1) **reviewing and evaluating state and** local **criminal justice systems and** corrections programs, including **pretrial services, behavioral health treatment and recovery services,** community corrections, county jails, **parole,** and probation services; ~~and~~

(2) **reviewing** the processes used by the department of correction and the division of mental health and addiction in awarding grants;

(3) reviewing and evaluating jail overcrowding to identify a range of possible solutions;

(4) coordinating with other criminal justice funding sources;

(5) establishing committees to inform the work of the advisory council; and

(6) performing other relevant duties as determined by the advisory council.

(d) The advisory council may make ~~a recommendation~~ **recommendations** to:

(1) the department of correction, community corrections advisory boards, and the division of mental health and addiction concerning the award of grants;

(2) criminal justice systems and corrections programs concerning best practices to improve outcomes of persons under supervision;

(3) the Indiana general assembly concerning legislation and funding for criminal justice initiatives;

(4) the Indiana criminal justice institute concerning criminal justice funding priorities;

(5) the office of judicial administration concerning veterans problem-solving court grants; and

(6) the county sheriffs concerning strategies to address jail overcrowding and implementing evidence based practices for reducing recidivism for individuals in county jails.

(e) The office of judicial administration shall staff the advisory council.

(f) The expenses of the advisory council shall be paid by the office of judicial administration from funds appropriated to the office of judicial administration for the administrative costs of the justice reinvestment advisory council.

(g) A member of the advisory council 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.

(h) The affirmative votes of a majority of the voting members appointed to the advisory council are required for the advisory council to take action on any measure.

(i) The advisory council shall meet as necessary to:

(1) work with the department of correction and the division of mental health and addiction to establish the grant criteria and grant reporting requirements described in subsection (l);

(2) review grant applications;

(3) make recommendations and provide feedback to the department of correction and the division of mental health and addiction concerning grants to be awarded;

(4) review grants awarded by the department of correction and the division of mental health and addiction; and

(5) suggest areas and programs in which the award of future grants might be beneficial.

(j) The advisory council, in conjunction with the Indiana criminal justice institute, shall jointly issue an annual report under IC 5-2-6-24.

(k) Any entity that receives funds:

(1) recommended by the advisory council; and

(2) appropriated by the department of correction;

for the purpose of providing additional treatment or supervision services shall provide the information described in subsection (l) to the department of correction to aid in the compilation of the report described in subsection (j).

(l) The department of correction shall provide the advisory council with the following information:

(1) The total number of participants, categorized by level of most serious offense, who were served by the entity through funds described in subsection (k).

(2) The percentage of participants, categorized by level of most serious offense, who completed a treatment program, service, or level of supervision.

(3) The percentage of participants, categorized by level of most serious offense, who were discharged from a treatment program, service, or level of supervision.

(4) The percentage of participants, categorized by level of most serious offense, who:

(A) completed a funded treatment program, service, or level of supervision; and

(B) were subsequently committed to the department of correction;

within twenty-four (24) months after completing the funded treatment program, service, or level of supervision.

(5) The percentage of participants, categorized by level of most serious offense, who were:

(A) discharged from a funded treatment program, service, or level of supervision; and

(B) subsequently committed to the department of correction;

within twenty-four (24) months after being discharged from the funded treatment program, service, or level of supervision.

(6) The total number of participants who completed a funded treatment program, service, or level of supervision.

(7) The total number of participants who:

(A) completed a funded treatment program, service, or level of supervision; and

(B) were legally employed.

(8) Any other information relevant to the funding of the entity as described in subsection (k).

SECTION 3. IC 33-38-9.5-3, AS ADDED BY P.L.179-2015, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. The ~~goal~~ **purpose** of the justice reinvestment advisory council is to ~~develop~~ ~~incarceration~~ **review policies, promote state and local collaboration, and provide assistance for use of evidence based practices and best practices in**

community based alternatives and recidivism reduction programs, ~~at the county and community level by promoting the development of:~~ **including:**

(1) probation services;

(2) problem solving courts;

(3) mental health **and addiction** treatment **and recovery services;**

~~(4) substance abuse treatment;~~

~~(5)~~ **(4)** programs providing for ~~court supervision, probation, or~~ pretrial diversion;

~~(6)~~ **(5)** community corrections;

~~(7)~~ **(6)** evidence based recidivism reduction programs for currently incarcerated persons; ~~and~~

~~(8)~~ **(7)** other ~~alternatives to incarceration.~~ **rehabilitation alternatives; and**

(8) the incorporation of evidence based decision making into decisions concerning jail overcrowding.

SECTION 4. **An emergency is declared for this act.**

P.L.35-2020

[H.1067. Approved March 14, 2020.]

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

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

SECTION 1. IC 25-13-1-2, AS AMENDED BY P.L.155-2016, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 2. As used in this article:

(a) "Dental hygienist" means one who is especially educated and trained in the science and art of maintaining the dental health of the

individual or community through prophylactic or preventive measures applied to the teeth and adjacent structures.

(b) "License" means the license to practice dental hygiene issued by the state board of dentistry to dental hygienist candidates who satisfactorily pass the board's examinations.

(c) "Board" means the state board of dentistry established by IC 25-14-1.

(d) "Proprietor dentist" means a licensed dentist who is the owner and operator of the dental office in which the licensed dentist practices the profession of dentistry and who employs at least one (1) licensed dentist or dental hygienist to supplement the licensed dentist's operation and conduct of the licensed dentist's dental office.

(e) "Employer dentist" means a proprietor dentist who employs at least one (1) dental hygienist to supplement the proprietor dentist's dental service to the proprietor dentist's clientele.

(f) "Referral" means a recommendation that a patient seek further dental care from a licensed dentist, but not a specific dentist.

(g) "Screening" means to identify and assess the health of the hard or soft tissues of the human oral cavity.

(h) "Public health setting" means a location, including a mobile health care vehicle, where the public is invited for health care, information, and services by a program sponsored or endorsed by a governmental entity or charitable organization.

(i) "Direct supervision" means that a licensed dentist is physically present in the facility when patient care is provided by the dental hygienist.

(j) "Prescriptive supervision" means that a licensed dentist is not required to be physically present in the facility when patient care is provided by the dental hygienist if:

(1) the dental hygienist has completed, with at least an average of twenty (20) hours per week, at least two (2) years of active practice as a dental hygienist under the direct supervision of a licensed dentist;

(2) a licensed dentist:

(A) has:

(i) in a dental office setting, provided the patient with a comprehensive **or periodic** oral examination and any appropriate care in the previous seven (7) months;

(ii) issued a written **or electronic** order for the specific care to be provided that is valid for not more than ninety (90) days and provided in a dental office; and

(iii) notified the patient that the licensed dentist will not be present when the dental hygienist is providing the patient care; or

(B) has:

(i) in a setting other than a dental office, provided the patient with a comprehensive **or periodic** oral examination; and

(ii) issued to the patient, on the same day the licensed dentist provided the patient with a comprehensive **or periodic** oral examination, a written order for the specific care to be provided that is valid for not more than ninety (90) days; and

(3) the patient has provided a current medical history.

Nothing in subdivision (2)(A)(i) or (2)(B)(i) prohibits a dental hygienist from providing patient care before the licensed dentist provides the comprehensive **or periodic** oral examination if the licensed dentist provides the comprehensive **or periodic** oral examination on the same day that the dental hygienist has provided the patient care.

(k) "Licensed dentist" refers to a dentist licensed under IC 25-14.

SECTION 2. IC 25-13-1-10, AS AMENDED BY P.L.10-2019, SECTION 109, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 10. (a) A licensed dental hygienist may practice dental hygiene in Indiana in the following:

(1) A dental office, clinical setting, or health facility where the dental hygienist is practicing under the direct supervision or prescriptive supervision of a licensed dentist.

(2) A dental school or dental hygiene school to teach and demonstrate the practice of dental hygiene if direct supervision by a licensed dentist is provided for training on providing local anesthetics by injection.

(3) The dental clinic of any public, parochial, or private school or other institution supported by public or private funds in which the licensee is employed by the state department of health or any county or city board of health or board of education or school trustee or parochial authority or the governing body of any private

school where the dental hygienist is practicing under the direct or prescriptive supervision of a licensed dentist.

(4) The dental clinic of a bona fide hospital, sanitarium, or charitable institution duly established and being operated under the laws of Indiana in which the licensee is employed by the directors or governing board of such hospital, sanitarium, or institution. However, such practice must be under the direct or prescriptive supervision at all times of a licensed dentist who is a staff member of the hospital or sanitarium or a member of the governing board of the institution.

(5) A:

(A) fixed charitable dental care clinic;

(B) public health setting;

(C) correctional institution; or

(D) location other than one described in clauses (A) through (C);

that has been approved by the board and where the dental hygienist is under the direct or prescriptive supervision of a licensed dentist.

(6) Settings, other than a private dental practice, allowed under an access practice agreement that complies with the requirements under IC 25-13-3.

(b) A licensed dental hygienist may provide without supervision the following:

(1) Dental hygiene instruction and in-service training without restriction on location.

(2) Screening and referrals for any person in a public health setting.

(3) Dental hygiene services under an access practice agreement that complies with the requirements under IC 25-13-3.

(c) A dental hygienist may ~~not~~ use a laser, **except** to cut, ablate, or cauterize hard or soft tissue to provide treatment to a patient.

(d) The board may adopt rules under IC 4-22-2 concerning subsection (a)(5)(D).

(e) If a dental hygienist practices under the prescriptive supervision of a licensed dentist, the dentist's written order must be recorded, signed, and dated in the patient's records.

SECTION 3. IC 25-13-1-10.6, AS AMENDED BY P.L.103-2011, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 10.6. (a) **Except as provided in subsection (b),** a licensed dental hygienist may administer local dental anesthetics under the direct supervision of a licensed dentist under IC 25-14 if the dental hygienist has:

(1) completed board approved educational requirements, including cardiopulmonary resuscitation and emergency care training; and

(2) received a board issued dental hygiene anesthetic permit.

(b) A dental hygienist may administer topical local dental anesthetics without supervision.

~~(b)~~ **(c) For purposes of this section,** local dental anesthetics do not include nitrous oxide or similar analgesics.

SECTION 4. IC 25-13-1-10.7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 10.7. (a) A dental hygienist or dental assistant (as defined in IC 25-14-1-1.5(4)) may administer nitrous oxide under the direct supervision of a licensed dentist if the dental hygienist or dental assistant has:**

(1) been employed in a dental practice for at least one (1) year or has graduated from a program accredited by the Commission on Dental Accreditation of the American Dental Association;

(2) satisfactorily completed a three (3) hour didactic nitrous oxide administration course containing curriculum on pharmacology, biochemistry, anatomy of nitrous oxide administration, emergency procedures, and the mechanics of operating a nitrous unit, accredited by the Commission on Dental Accreditation of the American Dental Association; and

(3) demonstrated clinical competency on at least five (5) patients under the direct supervision of a licensed Indiana dentist whose license is in good standing.

(b) The licensed Indiana dentist supervising the clinical competency under subsection (a)(3) shall provide to the dental hygienist or dental assistant a signed affidavit certifying the competency.

(c) Upon receipt of the affidavit provided to a dental hygienist or dental assistant under subsection (b), the provider of an educational program or curriculum described in subsection (a)(2) shall issue a certificate of completion to the dental hygienist or dental assistant. The certificate of completion must be publicly displayed in the dental office of the dental hygienist or dental assistant.

(d) Before permitting a dental hygienist or dental assistant to administer nitrous oxide, the supervising dentist shall:

(1) verify that the dental hygienist or dental assistant has completed the requirements of subsection (a);

(2) determine the maximum percent-dosage of nitrous oxide to be administered to the patient; and

(3) ensure that any administration or monitoring of nitrous oxide by dental hygienists or dental assistants is done in accordance with relevant guidelines and standards developed by the American Dental Association or the American Academy of Pediatric Dentistry.

SECTION 5. IC 25-13-1-11, AS AMENDED BY P.L.264-2013, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 11. A person is deemed to be practicing dental hygiene within the meaning of this chapter who:

(1) uses the titles "Licensed Dental Hygienist", "Dental Hygienist", or the letters "L.D.H.", "R.D.H.", or "D.H." in connection with his or her name;

(2) holds himself or herself out to the public in any manner that he or she can or will render services as a dental hygienist;

(3) removes calcific deposits or accretions from the surfaces of human teeth or cleans or polishes such teeth;

(4) applies and uses within the patient's mouth such antiseptic sprays, washes, or medicaments for the control or prevention of dental caries as his or her employer dentist may direct;

(5) treats gum disease;

(6) uses impressions and x-ray photographs for treatment purposes; or

(7) administers local dental anesthetics **or nitrous oxide,** except for the administration of local dental anesthetics **or nitrous oxide** by:

(A) a dentist as provided in IC 25-14-1-23(a)(6); ~~or~~

(B) a physician licensed under IC 25-22.5; **or**

(C) a dental assistant (as defined in IC 25-14-1-1.5(4)) in compliance with section 10.7 of this chapter.

SECTION 6. IC 25-13-2-6, AS AMENDED BY P.L.155-2016, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 6. (a) A dental hygienist must complete at least nineteen (19) credit hours in continuing education courses each license period.

(b) Credit hours may be applied under this section only toward the credit hour requirement for the license period during which the credit hours are earned.

(c) During a license period, a dental hygienist may not earn more than five (5) credit hours toward the requirements under this section for continuing education courses that relate specifically to the area of practice management.

~~(d) Not more than two (2) credit hours for certification programs in basic life support required under IC 25-13-1-8(c)(3) may be applied toward the credit hour requirement during each license period.~~

~~(e)~~ **(d)** During a license period, at least half of the required minimum credit hours must be earned through live presentations or live workshops.

SECTION 7. IC 25-13-2-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 7. Credit hours under section 6 of this chapter must be awarded as follows:

(1) A course presented by a college under a regular curriculum is awarded one (1) credit hour for each lecture hour attended.

(2) A course not listed in subdivision (1) is awarded one (1) credit hour for each lecture hour and two (2) credit hours for each participation hour of the course.

(3) A speech, lecture, or other presentation by a dental hygienist is awarded two (2) credit hours if the following conditions are met:

(A) The presentation concerns a subject that would be suitable for a continuing education course.

(B) The subject of the presentation is eligible for credit only one (1) time, regardless of the number of times the subject is presented.

(C) The **presenting** dental hygienist maintains a record of the time, place, and date of the presentation.

(D) The presentation is sponsored by an approved organization.

(E) Not more than four (4) credit hours are awarded to the dental hygienist under this subdivision during any license period.

(4) Attendance at a state, regional, or national meeting sponsored by an approved organization is awarded one (1) credit hour.

(5) Attendance at a meeting of a study club that uses films, audio cassettes, live presentations, or written materials sponsored by the American Dental Hygienist Association is awarded one (1) credit hour. However, a dental hygienist may not receive credit under this subdivision for more than four (4) credit hours during a license period.

(6) Attendance at a meeting of a study club featuring a guest speaker whose presentation concerns a subject suitable for a continuing education course is awarded one (1) credit hour for each hour attended.

(7) A home study course that is presented by an approved organization and meets the requirements under this subdivision is awarded the same number of credit hours given to courses provided by a college. If the approved organization does not assess credit hours to a course under this subdivision, the course is awarded one (1) credit hour for each hour of study material. Subject matter of the course may be presented by written, audio, or video materials.

(8) There is no limit on the number of credit hours a dental hygienist may earn if the course is an approved course offered by another dental hygienist.

P.L.36-2020
[H.1080. Approved March 14, 2020.]

AN ACT to amend the Indiana Code concerning insurance.

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

SECTION 1. IC 5-10-8-7.8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 7.8. (a) As used in this section, "covered individual" means an individual who is:

(1) covered under a self-insurance program established under section 7(b) of this chapter to provide group health coverage; or

(2) entitled to services under a contract with a health maintenance organization (as defined in IC 27-13-1-19) that is entered into or renewed under section 7(c) of this chapter.

(b) A:

(1) self-insurance program established under section 7(b) of this chapter to provide health care coverage; or

(2) contract with a health maintenance organization that is entered into or renewed under section 7(c) of this chapter;

must provide coverage for colorectal cancer examinations and laboratory tests for cancer for any nonsymptomatic covered individual. ~~in accordance with the current American Cancer Society guidelines.~~

(c) For a covered individual who is:

(1) at least ~~fifty (50)~~ **forty-five (45)** years of age; or

(2) less than ~~fifty (50)~~ **forty-five (45)** years of age and at high risk for colorectal cancer; ~~according to the most recent published guidelines of the American Cancer Society;~~

the coverage required under this section must meet the requirements set forth in subsection (d)**, except as provided in subsection (e).**

(d) A covered individual may not be required to pay an additional deductible or coinsurance for the colorectal cancer examination and laboratory testing benefit **required by this section** that is greater than an annual deductible or coinsurance established for similar benefits

under ~~a~~ **the** self-insurance program or contract with a health maintenance organization **under which the covered individual is covered or entitled to services.** If the program or contract does not cover a similar benefit, a deductible or coinsurance **for the colorectal cancer examination and laboratory testing benefit** may not be set at a level that materially diminishes the value of the colorectal cancer examination and laboratory testing benefit. ~~required under this section.~~

(e) The requirements imposed under this section do not apply to a high deductible health plan, as defined by Section 223 of the Internal Revenue Code. High deductible health plans described in this subsection may not excuse a deductible requirement with respect to colorectal cancer screening in a manner inconsistent with Section 223(c)(2)(C) of the Internal Revenue Code.

SECTION 2. IC 27-8-14.8-3, AS AMENDED BY P.L.124-2018, SECTION 82, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 3. (a) Except as provided in subsection (d), an insurer shall provide coverage for colorectal cancer examinations and laboratory tests for cancer for any nonsymptomatic insured ~~in accordance with the American Cancer Society guidelines,~~ in any accident and sickness insurance policy that the insurer issues in Indiana or issues for delivery in Indiana.

(b) For an insured who is:

(1) at least ~~fifty (50)~~ **forty-five (45)** years of age; or

(2) less than ~~fifty (50)~~ **forty-five (45)** years of age and at high risk for colorectal cancer; ~~according to the American Cancer Society guidelines;~~

the coverage required under this section must meet the requirements set forth in subsection (c)**, except as provided in subsection (e).**

(c) An insured may not be required to pay an additional annual deductible or coinsurance for the colorectal cancer examination and laboratory testing benefit **required by this section** that is greater than an annual deductible or coinsurance established for similar benefits under ~~an~~ **the** accident and sickness insurance policy **under which the insured is covered.** If the accident and sickness insurance policy does not cover a similar benefit, a deductible or coinsurance **for the colorectal cancer examination and laboratory testing benefit** may not be set at a level that materially diminishes the value of the

colorectal cancer examination and laboratory testing benefit. ~~required under this section.~~

(d) In the case of an accident and sickness insurance policy that is not employer based, the insurer shall offer to provide the coverage described in this section.

(e) The requirements imposed under this section do not apply to a high deductible health plan, as defined by Section 223 of the Internal Revenue Code. High deductible health plans described in this subsection may not excuse a deductible requirement with respect to colorectal cancer screening in a manner inconsistent with Section 223(c)(2)(C) of the Internal Revenue Code.

SECTION 3. IC 27-13-7-17, AS AMENDED BY P.L.124-2018, SECTION 90, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 17. (a) As used in this section, "colorectal cancer testing" means examinations and laboratory tests for cancer for any nonsymptomatic enrollee. ~~in accordance with the American Cancer Society guidelines.~~

(b) Except as provided in subsection (e), a health maintenance organization issued a certificate of authority in Indiana shall provide colorectal cancer testing as a covered service under every group contract that provides coverage for basic health care services~~.~~

(c) For an enrollee who is:

(1) at least ~~fifty (50)~~ **forty-five (45)** years of age; or

(2) less than ~~fifty (50)~~ **forty-five (45)** years of age and at high risk for colorectal cancer; ~~according to the American Cancer Society guidelines;~~

the colorectal cancer testing required under this section must meet the requirements set forth in subsection (d)**, except as provided in subsection (f).**

(d) An enrollee may not be required to pay a copayment for the colorectal cancer ~~examination and laboratory~~ testing benefit **required by this section** that is greater than a copayment established for similar benefits under ~~a~~ **the** group contract **under which the enrollee is entitled to services.** If the group contract does not cover a similar covered service, the copayment **for the colorectal cancer testing benefit** may not be set at a level that materially diminishes the value of the colorectal cancer ~~examination and laboratory~~ testing benefit. ~~required under this section.~~

(e) In the case of coverage that is not employer based, the health maintenance organization is required only to offer to provide ~~the~~ colorectal cancer testing ~~described in subsections (b) through (d)~~ as a covered service under a proposed group contract providing coverage for basic health care services.

(f) The requirements imposed under this section do not apply to a high deductible health plan, as defined by Section 223 of the Internal Revenue Code. High deductible health plans described in this subsection may not excuse a deductible requirement with respect to colorectal cancer screening in a manner inconsistent with Section 223(c)(2)(C) of the Internal Revenue Code.

P.L.37-2020
[H.1082. Approved March 14, 2020.]

AN ACT to amend the Indiana Code concerning higher education.

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

SECTION 1. IC 21-16-1-7.5, AS ADDED BY P.L.287-2019, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 7.5. "Eligible secondary school student" means a student, beginning with the cohort of students that is expected to graduate in the 2022-2023 school year, who:

(1) is enrolled in a secondary school in Indiana; **and**

~~(2) completes and files a Free Application for Federal Student Aid; and~~

~~(3)~~ **(2)** meets any other criteria established by the commission.

SECTION 2. IC 21-16-2-4, AS AMENDED BY P.L.287-2019, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. An agreement entered into under this chapter must:

(1) provide for employment by the eligible employer of eligible students and eligible secondary school students:

(A) for a minimum average of twelve (12) hours per week; and

(B) a maximum average of:

(i) twenty (20) hours per week, if the student is enrolled in courses at the time of employment; or

(ii) forty (40) hours per week if the employment occurs during the summer term; ~~and the student is not enrolled in courses during the summer term;~~

(2) provide for the reimbursement, to the extent possible under the then current biennial appropriation, by the state to the employer of at least fifty percent (50%) of the federal minimum hourly wage for each hour worked by the student for the employer;

(3) provide that any work performed by a student under this chapter must not result in the displacement of employed workers or impair existing contracts for services;

(4) provide that any work performed by a student under this chapter shall not involve any partisan or nonpartisan political or sectarian activities;

(5) provide that wage rates must be established by the eligible employer, but must not be less than the current federal minimum wage rate; and

(6) contain any other provisions necessary to carry out this chapter.

SECTION 3. IC 21-18-14-1 IS REPEALED [EFFECTIVE JULY 1, 2020]. ~~Sec. 1. As used in this chapter, "return and complete student" means an individual who:~~

~~(1) is an Indiana resident;(2) earned course credit from a postsecondary educational institution before January 1, 2014;~~

~~(3) has not earned an associate or baccalaureate degree as of January 1, 2015; and~~

~~(4) has not been enrolled in any postsecondary educational institution since January 1, 2014.~~

SECTION 4. IC 21-18-14-1.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 1.5. As used in this chapter, "project student" means an individual who:**

(1) is an Indiana resident;

(2) has previously enrolled in a postsecondary educational institution;

(3) has not earned an associate or baccalaureate degree; and

(4) is not currently enrolled in a postsecondary educational institution.

SECTION 5. IC 21-18-14-2 IS REPEALED [EFFECTIVE JULY 1, 2020]. ~~Sec. 2. As used in this chapter, "return and complete project" means a project administered by the commission in partnership with postsecondary educational institutions to encourage return and complete students to complete an associate or baccalaureate degree or a technical certificate by 2020.~~

SECTION 6. IC 21-18-14-2.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 2.5. The commission, in partnership with postsecondary educational institutions, shall administer a project to encourage project students to complete an associate or baccalaureate degree or a technical certificate.**

SECTION 7. IC 21-18-14-3, AS ADDED BY P.L.213-2015, SECTION 236, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 3. Not later than August 1 ~~2015,~~ **of each year,** the commission, in consultation with postsecondary educational institutions, shall adopt guidelines for postsecondary educational institutions concerning the administration of the ~~return and complete~~ project, including the exchange of data **and coordinated messaging** to support targeted outreach under section ~~4~~ **5** of this chapter.

SECTION 8. IC 21-18-14-4, AS ADDED BY P.L.213-2015, SECTION 236, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 4. Postsecondary educational institutions shall ~~either:~~

~~(1) conduct targeted outreach to return and complete students; or~~

~~(2)~~ provide student record data to the commission for use in targeted outreach.

SECTION 9. IC 21-18-14-5, AS ADDED BY P.L.213-2015, SECTION 236, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 5. The commission shall conduct targeted outreach to ~~return and complete~~ **project** students. ~~who~~

~~previously attended an institution that does not conduct targeted outreach under section 4(1) of this chapter.~~

SECTION 10. IC 21-18-14-6, AS ADDED BY P.L.213-2015, SECTION 236, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 6. A postsecondary educational institution may offer financial aid or tuition discounts that are exclusively for ~~return and complete~~ **project** students.

SECTION 11. IC 21-18-14-8 IS REPEALED [EFFECTIVE JULY 1, 2020]. ~~Sec. 8. Beginning November 1, 2016, and not later than November 1 each year thereafter, state educational institutions shall report annually to the commission the number of return and complete students who attended the postsecondary educational institution who have:~~

~~(1) received targeted outreach by the postsecondary educational institution; and~~

~~(2) earned an associate or baccalaureate degree or a technical certificate from the postsecondary educational institution.~~

SECTION 12. IC 21-18-14-9 IS REPEALED [EFFECTIVE JUNE 30, 2020]. ~~Sec. 9. This chapter expires July 1, 2020.~~

SECTION 13. IC 21-18-14-10 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 10. (a) The commission shall collect and maintain complete and accurate information of the following:**

(1) The total number of project students reported to the commission by each postsecondary educational institution.

(2) The total number of project students contacted by the commission.

(3) The total number of project students contacted by the commission who reenroll in postsecondary education.

(4) The total number of students described in subdivision (3) who continue to be enrolled in a postsecondary educational institution.

(5) The total number of degrees and credentials earned by students described in subdivision (3).

(b) Not later than November 1, 2021, and each November 1 thereafter, the commission shall submit a report that summarizes the information described in subsection (a) to the following:

(1) The governor.

(2) The general assembly in an electronic format under IC 5-14-6.

SECTION 14. IC 21-44-7-8, AS ADDED BY P.L.190-2015, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 8. (a) The graduate medical education fund is established within the state treasury. Subject to subsection (b), money in the fund is to be used for the purposes specified in sections 2(1), 2(3), and 7 of this chapter.

(b) Except as provided in section 7(b) of this chapter, a recipient of money from the fund must agree to provide matching funds equal to at least twenty-five percent (25%) of the money provided.

(c) The fund consists of the following:

(1) Appropriations by the general assembly.

(2) Grants.

(3) Gifts.

(d) The board shall administer the fund.

(e) The expenses of administering the fund may be paid from the fund.

(f) Money in the fund that is not needed to meet the obligations of the fund may be invested in the manner that other public money is invested. Interest or other investment returns on money in the fund become part of the fund.

(g) Money in the fund at the end of a state fiscal year does not revert to ~~the state general fund.~~ **any other fund and remains available for expenditure for the purposes specified in sections 2(1), 2(3), and 7 of this chapter.**

SECTION 15. **An emergency is declared for this act.**

P.L.38-2020
[H.1091. Approved March 14, 2020.]

AN ACT to amend the Indiana Code concerning education.

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

SECTION 1. IC 20-19-9-6, AS ADDED BY P.L.211-2019, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 6. **Except as provided under IC 20-26-19,** a school corporation that operates a virtual education program may not enroll a student unless the student is an Indiana resident. If the school corporation that operates a virtual education program is unable to verify that a student who attends the school corporation's virtual education program is an Indiana resident, the school corporation must pay back to the department the state tuition support distribution in an amount determined by the department that the school corporation received for that student.

SECTION 2. IC 20-24-5-4.5, AS ADDED BY P.L.159-2019, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 4.5. (a) A virtual charter school shall establish and implement an annual onboarding process and orientation for virtual charter school students and the students' parents. As part of the annual onboarding process and orientation, the virtual charter school must provide to a parent of a student:

(1) the student engagement and attendance requirements or policies of the virtual charter school; and

(2) notice that a person who knowingly or intentionally deprives a dependent of education commits a violation under IC 35-46-1-4.

(b) A student who is not enrolled in a virtual charter school before July 1, 2020, must complete the annual onboarding process and orientation established by the virtual charter school under subsection (a) with the student's parent before the student may enroll in the virtual charter school. If a student or student's parent does not participate in

the virtual charter school's annual onboarding process and orientation established under subsection (a), the student may not enroll in the virtual charter school.

(c) An authorizer shall review and monitor whether a virtual charter school that is authorized by the authorizer complies with the requirements under this section.

(d) An individual who is employed as a licensed teacher at a virtual charter school must comply with any mandatory licensed teacher training that is required under this title.

(e) A virtual charter school must require that if a student who attends a virtual charter school accumulates the number of unexcused absences sufficient to result in the student's classification as a habitual truant (as described in IC 20-20-8-8(a)(17)), the student must be withdrawn from enrollment in the virtual charter school.

(f) **Except as provided in IC 20-26-19,** a virtual charter school may not enroll a student unless the student is an Indiana resident. If the virtual charter school is unable to verify that a student who attends the virtual charter school is an Indiana resident, the virtual charter school must pay back to the department the state tuition support distribution in an amount determined by the department that the virtual charter school received for that student.

SECTION 3. IC 20-24-8-2, AS ADDED BY P.L.169-2005, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 2. (a) A charter school may not do the following:

(1) Operate at a site or for grades other than as specified in the charter.

(2) Charge tuition to any student residing within the school corporation's geographic boundaries. However, a charter school may charge tuition for:

(A) a preschool program, unless charging tuition for the preschool program is barred under federal law; or

(B) a latch key program;

if the charter school provides those programs.

(3) Except **as provided under IC 20-26-19 and except** for a foreign exchange student who is not a United States citizen, enroll a student who is not a resident of Indiana.

(4) Be located in a private residence.

(5) Provide solely home based instruction.

(b) A charter school is not prohibited from delivering instructional services:

(1) through the Internet or another online arrangement; or

(2) in any manner by computer;

if the instructional services are provided to students enrolled in the charter school in a manner that complies with any procedures adopted by the department concerning online and computer instruction in public schools.

SECTION 4. IC 20-25.7-4-9, AS ADDED BY P.L.214-2015, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 9. (a) Any student who lives in the attendance area served by a school that is operated as an innovation network school under this chapter may attend the innovation network school. The innovation network school may not refuse enrollment to a student who lives in the attendance area **or a student described in IC 20-26-19-5.**

(b) This subsection applies if the number of applications for a program, class, grade level, or building exceeds the capacity of the program, class, grade level, or building. If an innovation network school receives a greater number of applications than there are spaces for students, each timely applicant must be given an equal chance of admission.

SECTION 5. IC 20-26-11-1, AS AMENDED BY P.L.13-2006, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1. As used in this chapter with respect to legal settlement, transfers, and the payment of tuition, the words "residence", "resides", or other comparable language means a permanent and principal habitation that an individual uses for a home for a fixed or indefinite period, at which the individual remains when not called elsewhere for work, studies, recreation, or other temporary or special purpose. These terms are not synonymous with legal domicile. Except as provided in section ~~2(3)~~ **2(a)(3)** of this chapter, where a court order grants an individual custody of a student, the residence of the student is where that individual resides.

SECTION 6. IC 20-26-11-2, AS AMENDED BY P.L.13-2006, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 2. **(a) Except as provided in subsection (b),** the legal settlement of a student is governed by the following provisions:

(1) If the student:

(A) is less than eighteen (18) years of age; or

(B) is at least eighteen (18) years of age but is not emancipated;

the legal settlement of the student is in the attendance area of the school corporation where the student's parents reside.

(2) If the student's mother and father, in a situation to which subdivision (1) otherwise applies, are divorced or separated, the legal settlement of the student is the school corporation whose attendance area contains the residence of the parent with whom the student is living, in the following situations:

(A) If a court order has not been made establishing the custody of the student.

(B) Except as provided in subdivision (3), if both parents have agreed on the parent or person with whom the student will live.

(C) If the parent granted custody of the student has abandoned the student.

In the event of a dispute between the parents of the student, or between the parents and a student at least eighteen (18) years of age, the legal settlement of the student shall be determined as otherwise provided in this section.

(3) If, in a situation in which subdivision (1) otherwise applies, the student's mother and father are divorced or separated, and if a court order grants the student's:

(A) mother;

(B) father; or

(C) both mother and father;

custody of the student, the legal settlement of the student is the school corporation whose attendance area contains the residence of the mother or father, as elected under section 2.5(a) of this chapter. If the custodial parent (or the student, if at least eighteen (18) years of age) does not make an election under section 2.5(a) of this chapter, the legal settlement of the student is the school corporation whose attendance area contains the residence of the parent granted physical custody by the court order.

(4) If the legal settlement of a student, in a situation to which subdivision (1) otherwise applies, cannot reasonably be determined and the student is being supported by, cared for by,

and living with some other individual, the legal settlement of the student is in the attendance area of that individual's residence, except where the parents of the student are able to support the student but have placed the student in the home of another individual, or allowed the student to live with another individual, primarily for the purpose of attending school in the attendance area where the other individual resides. The school may, if the facts are in dispute, condition acceptance of the student's legal settlement on the appointment of that individual as legal guardian or custodian of the student, and the date of legal settlement will be fixed to coincide with the commencement of the proceedings for the appointment of a guardian or custodian. However, if a student does not reside with the student's parents because the student's parents are unable to support the child and the child is not residing with an individual other than a parent primarily to attend a particular school, the student's legal settlement is where the student resides, and the establishment of a legal guardianship may not be required by the school. In addition, a legal guardianship or custodianship established solely to attend school in a particular school corporation does not affect the determination of the legal settlement of the student under this chapter.

(5) If a student, to whom subdivision (1) would otherwise apply, is married and living with a spouse, the legal settlement of that student is in the attendance area of the school corporation where the student and the student's spouse reside.

(6) If the student's parents:

(A) are living outside the United States due to educational pursuits or a job assignment;

(B) do not maintain a permanent home in any school corporation in the United States; and

(C) have placed the student in the home of another individual;

the legal settlement of the student is in the attendance area where the other individual resides.

(7) If the student is emancipated, the legal settlement is the attendance area of the school corporation of the student's residence.

(8) If a student's legal settlement is changed after the student has begun attending school in a school corporation in any school year, the effective date of change may:

(A) at the election of:

(i) the parent;

(ii) the student, if the student is at least eighteen (18) years of age; or

(iii) a juvenile court conducting a proceeding under IC 31-34-20-5, IC 31-34-21-10, IC 31-37-19-26, or IC 31-37-20-6 (or IC 31-6-4-18.5 before its repeal);

be extended until the end of that semester; or

(B) at the discretion of the school, until the end of that school year.

However, that election, where a student has completed grade 11 in any school year, shall extend to the end of the following school year in grade 12.

(9) If a juvenile court has:

(A) made findings of fact concerning the legal settlement of a student under IC 31-34-20-5, IC 31-34-21-10, IC 31-37-19-26, or IC 31-37-20-6 (or IC 31-6-4-18.5 before its repeal); and

(B) jurisdiction over the student under IC 31-34 or IC 31-37;

the legal settlement of the student is the attendance area specified as the legal settlement in the latest findings of fact issued by the juvenile court.

(b) This subsection applies to a student described in IC 20-26-19-5. A student is considered, from the date that the parent (as defined in IC 20-26-19-3) of the student submits the application and documentation required under IC 20-26-19-5(2) until the date that the parent provides proof of residence by the date required under IC 20-26-19-7, to have legal settlement in the attendance area of the school corporation in which the parent:

(1) has submitted the application and documentation required under IC 20-26-19-5(2); and

(2) intends to reside.

SECTION 7. IC 20-26-11-2.5, AS AMENDED BY P.L.219-2015, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 2.5. (a) In the case of a student described in section ~~2(3)~~ **2(a)(3)** of this chapter, the:

(1) parent granted physical custody by a court; or

(2) student, if the student is at least eighteen (18) years of age;

may elect for the student to have legal settlement in the school corporation whose attendance area contains the residence of the student's mother or the school corporation whose attendance area contains the residence of the student's father.

(b) An election under subsection (a) shall be made on a yearly basis and applies throughout the school year unless the student's parent no longer resides within the attendance area of the school corporation.

(c) The parent or student who makes an election under subsection (a) is not required to pay transfer tuition.

SECTION 8. IC 20-26-11-3, AS AMENDED BY P.L.13-2006, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 3. The state superintendent shall prepare the form of agreement to be used under section ~~2(2)~~ **2(a)(2)** of this chapter and a form to be executed by any individual with whom the student is living under section ~~2(2),~~ **2(a)(2),** ~~2(3),~~ **2(a)(3),** ~~2(4),~~ **2(a)(4),** or ~~2(6)~~ **2(a)(6)** of this chapter. The execution of the form by the individual and its continuance in force is a condition to the application of section ~~2(2),~~ **2(a)(2),** ~~2(3),~~ **2(a)(3),** ~~2(4),~~ **2(a)(4),** or ~~2(6)~~ **2(a)(6)** of this chapter. The form must contain an agreement of the individual that the individual shall, with respect to dealing with the school corporation and for all other purposes under this article, assume all the duties and be subject to all the liabilities of a parent of the student in the same manner as if the individual were the student's parent. On the execution of that form and for as long as it remains in force, the individual has these duties and liabilities.

SECTION 9. IC 20-26-19 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]:

Chapter 19. Temporary Exception to Residency Requirements

Sec. 1. As used in this chapter, "active duty" means full-time service in:

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

(2) the national guard;

for a period that exceeds thirty (30) consecutive days in a calendar year.

Sec. 2. As used in this chapter, "military installation" means a base, camp, post, station, yard, center, homeport facility for any ship, or other installation under the jurisdiction of the United Stated Department of Defense or the United States Coast Guard.

Sec. 3. As used in this chapter, "parent" means the following:

(1) A parent (as defined in IC 20-18-2-13).

(2) A stepparent of a child with whom a parent (as defined in IC 20-18-2-13) resides.

Sec. 4. As used in this chapter, "public school" means a:

(1) school maintained by a school corporation; or

(2) charter school.

Sec. 5. Notwithstanding any other law, a student meets the residency requirements for enrollment at a public school in Indiana if the parent of the student meets the following:

(1) The parent is transferred to or is pending transfer to a military installation within Indiana while on active duty pursuant to an official military order.

(2) The parent submits to the public school:

(A) an application, as determined by the public school, for enrollment in the public school; and

(B) documentation, as determined by the state board, regarding the transfer or pending transfer.

(3) If the parent is submitting an application described in subdivision (2)(A) to a public school maintained by a school corporation, the parent intends to reside in the attendance area of the school corporation.

Sec. 6. In addition to any other means by which a public school accepts an application for enrollment of a student or registration in a course by a student, a public school shall accept an application for enrollment and course registration, as applicable, by electronic means for a student described in section 5 of this chapter.

Sec. 7. (a) A parent of a student described in section 5 of this chapter shall provide proof of residence to the public school not later than ten (10) instructional days after the arrival date provided on the documentation described in section 5(2)(B) of this chapter.

(b) A parent may use the address of any of the following as proof of residence for purposes of this section:

(1) A temporary on base billeting facility.

(2) A purchased or leased home or apartment.

(3) Any federal government housing or off base military housing, including off base military housing that is provided through a public-private venture.

(c) If a parent of a student fails to provide proof of residence to a public school in accordance with subsection (a), the public school may exclude the student from attendance pending an expulsion proceeding.

Sec. 8. The state board:

(1) shall adopt rules under IC 4-22-2 regarding the documentation required under section 5(2)(B) of this chapter; and

(2) may adopt rules under IC 4-22-2 to otherwise implement this chapter.

SECTION 10. IC 21-14-9-0.3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 0.3. As used in this chapter, "dependent" means:**

(1) a biological child, adopted child, or stepchild of a person described in section 1 of this chapter; or

(2) an individual whose legal guardian is a person described in section 1 of this chapter.

SECTION 11. IC 21-14-9-0.5, AS ADDED BY P.L.11-2015, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 0.5. As used in this chapter, "qualified course" ~~includes a course prescribed by a state educational institution to obtain a graduate degree.~~ **means a course prescribed by a state educational institution to obtain an undergraduate degree or graduate degree.**

SECTION 12. IC 21-14-9-2, AS ADDED BY P.L.144-2007, SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 2. **(a) If** a **spouse or** dependent of a person described in section 1 of this chapter **is accepted for enrollment by a state educational institution, the spouse or dependent** is eligible, **from the date that the spouse or dependent is accepted for enrollment in the state educational institution,** to pay the resident tuition rate determined by the state educational institution **if the spouse**

or dependent enrolls in the state educational institution by the earlier of the following:

(1) The deadline for enrollment by the spouse or dependent as established by the state educational institution.

(2) Twelve (12) months after the date that the state educational institution accepts the spouse or dependent for enrollment.

(b) A spouse or dependent described in subsection (a) is eligible to pay the resident tuition rate determined by the state educational institution for **qualified** courses taken by the **spouse or** dependent for the duration of the **spouse's or** dependent's **continuous** enrollment at the state educational institution, **as determined by the state educational institution, regardless of whether the person described in section 1 of this chapter continues, after the spouse or dependent is accepted for enrollment as described in subsection (a), to satisfy the criteria set forth in section 1 of this chapter.**

SECTION 13. IC 31-34-20-5, AS AMENDED BY P.L.160-2012, SECTION 57, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 5. (a) This section applies if the department or a juvenile court:

(1) places a child;

(2) changes the placement of a child; or

(3) reviews the implementation of a decree under IC 31-34-21 of a child placed;

in a state licensed private or public health care facility, child care facility, foster family home, or the home of a relative or other unlicensed caretaker.

(b) The juvenile court shall do the following:

(1) Make findings of fact concerning the legal settlement of the child.

(2) Apply ~~IC 20-26-11-2(1)~~ **IC 20-26-11-2(a)(1)** through ~~IC 20-26-11-2(8)~~ **IC 20-26-11-2(a)(8)** to determine where the child has legal settlement.

(3) Include the findings of fact required by this section in:

(A) the dispositional order;

(B) the modification order; or

(C) the other decree;

making or changing the placement of the child.

(c) The juvenile court may determine that the legal settlement of the child is in the school corporation in which the child will attend school under IC 20-26-11-8(d).

(d) The juvenile court shall comply with the reporting requirements under IC 20-26-11-9 concerning the legal settlement of the child.

(e) The department or a juvenile court may place a child in a public school, regardless of whether the public school has a waiting list for admissions, if the department or juvenile court determines that the school's program meets the child's educational needs and the school agrees to the placement. A placement under this subsection does not affect the legal settlement of the child.

SECTION 14. IC 31-37-19-26, AS AMENDED BY P.L.160-2012, SECTION 58, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 26. (a) This section applies if a juvenile court:

(1) places a child;

(2) changes the placement of a child; or

(3) reviews the implementation of a decree under IC 31-37-20 (or IC 31-6-4-19 before its repeal) of a child placed;

in a state licensed private or public health care facility, child care facility, foster family home, or the home of a relative or other unlicensed caretaker.

(b) The juvenile court shall do the following:

(1) Make findings of fact concerning the legal settlement of the child.

(2) Apply ~~IC 20-26-11-2(1)~~ **IC 20-26-11-2(a)(1)** through ~~IC 20-26-11-2(8)~~ **IC 20-26-11-2(a)(8)** to determine where the child has legal settlement.

(3) Include the findings of fact required by this section in the:

(A) dispositional order;

(B) modification order; or

(C) other decree;

making or changing the placement of the child.

(c) The juvenile court may determine that the legal settlement of the child is in the school corporation in which the child will attend school under IC 20-26-11-8(d).

(d) The juvenile court shall comply with the reporting requirements under IC 20-26-11-9 concerning the legal settlement of the child.

(e) The juvenile court may place a child in a public school, regardless of whether the public school has a waiting list for admissions, if the court determines that the school's program meets the child's educational needs and the school agrees to the placement. A placement under this subsection does not affect the legal settlement of the child.

P.L.39-2020
[H.1093. Approved March 14, 2020.]

AN ACT to amend the Indiana Code concerning general provisions.

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

SECTION 1. IC 1-1-7.7 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]:

Chapter 7.7. Electronic Submission of Documents to a State Agency

Sec. 1. As used in this chapter, "electronically file or submit," includes delivery of a document by electronic mail, text, or any other means of delivering a document electronically, except by facsimile (fax) machine.

Sec. 2. As used in this chapter, "office of technology" refers to the office of technology established by IC 4-13.1-2-1.

Sec. 3. As used in this chapter, "state agency" has the meaning set forth in IC 4-13-1-1(b).

Sec. 4. A state agency may allow a person to electronically file or submit a document to the state agency, even if a state statute or rule:

(1) requires a person to use a different means of filing or submitting the document; or

(2) does not expressly authorize a person to electronically file or submit a document;

to the state agency.

Sec. 5. This chapter authorizes a state agency to allow electronic filing or submission of documents as an additional available option for filing and submitting documents. Methods to collect electronic filings or submissions must be approved by the office of technology to ensure all data is transmitted securely. Any other means of filing or submitting documents to the state agency that is required or allowed by state statute or rule must still be made available to the public as an option.

P.L.40-2020
[H.1094. Approved March 14, 2020.]

AN ACT to amend the Indiana Code concerning human services.

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

SECTION 1. IC 4-3-25-15, AS ADDED BY P.L.7-2016, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 15. The executive director of the Indiana criminal justice institute is responsible for the following:

(1) ~~Implementing~~ **Working with local coordinating councils and other stakeholders to implement** the commission's recommendations concerning local coordinating councils **(as defined in IC 5-2-11-1.6.)**

(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.~~ **efforts to decrease and mitigate substance use.**

(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.~~ **efforts of local coordinating councils.**

SECTION 2. IC 5-2-11-0.3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 0.3. As used in this chapter, "comprehensive community plan" means the systematic, community driven gathering, analysis, and reporting of community level indicators for the purpose of identifying and addressing local substance use and substance use disorder problems.**

SECTION 3. IC 5-2-11-0.5, AS ADDED BY P.L.44-2006, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 0.5. As used in this chapter, "criminal justice services and activities" means programs that assist:

(1) law enforcement agencies;

(2) courts;

(3) correctional facilities;

(4) programs that offer probation services; ~~and~~

(5) community corrections programs; **and**

(6) public safety programs;

with individuals who have ~~alcohol or drug addictions~~ **a history of substance use** and who are suspected of having committed a felony or misdemeanor, have been charged with a felony or misdemeanor, or have been convicted of a felony or misdemeanor.

SECTION 4. IC 5-2-11-1.3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1.3. As used in this chapter, "intervention" means:

(1) activities performed to:

(A) identify persons in need of ~~addiction~~ **substance use** treatment services; and

(B) encourage the desire to address and improve recovery needs by persons described in clause (A); and

(2) referring persons to or enrolling persons in ~~addiction~~ **evidence informed** treatment programs.

SECTION 5. IC 5-2-11-1.6, AS AMENDED BY P.L.7-2016, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1.6. As used in this chapter, "local coordinating council" means a countywide, **collaborative** citizen body **that is open to the public and** approved ~~and appointed~~ by the Indiana commission to combat drug abuse established by IC 4-3-25-3 to plan, **implement,** monitor, and evaluate ~~comprehensive~~ local ~~alcohol and drug abuse~~ **comprehensive community** plans.

SECTION 6. IC 5-2-11-1.8, AS ADDED BY P.L.44-2006, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1.8. As used in this chapter, "prevention" means the anticipatory process that prepares and supports ~~an individual and programs~~ **individuals, families, and communities** with the creation and reinforcement of healthy behaviors and lifestyles.

SECTION 7. IC 5-2-11-1.9, AS ADDED BY P.L.44-2006, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1.9. As used in this chapter, "prevention initiative" means ~~a~~ **an evidence guided** program **or activity** that is designed to decrease ~~alcohol or drug use.~~ **and mitigate substance use.**

SECTION 8. IC 5-2-11-2, AS AMENDED BY P.L.1-2006, SECTION 91, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 2. A county drug free community fund is established in each county to ~~promote~~ **support** comprehensive local ~~alcohol and drug abuse~~ **substance use recovery and** prevention initiatives by supplementing local funding for treatment, **intervention, prevention,** education, and criminal justice ~~efforts.~~ **services and activities.** The fund consists of amounts deposited under IC 33-37-7-2(c) and IC 33-37-7-8(e).

SECTION 9. IC 5-2-11-2.2 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 2.2. As used in this chapter, "recovery" means a dynamic, nonlinear process of change through which persons improve their health and wellness, live a self directed life, and strive to reach their full potential.**

SECTION 10. IC 5-2-11-2.4 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 2.4. As used in this chapter, "treatment" means evidence guided activities and services that foster change, enhance**

the ability to achieve and maintain recovery, and improve mental health.

SECTION 11. IC 5-2-11-5, AS AMENDED BY P.L.7-2016, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 5. (a) Subject to subsections (b) and (c), a county fiscal body shall annually appropriate from the fund amounts allocated by the county legislative body for the use of persons, organizations, agencies, and political subdivisions to carry out recommended actions contained in a comprehensive drug free ~~communities~~ **community** plan submitted by the local coordinating council and approved by the criminal justice institute as follows:

(1) For persons, organizations, agencies, and political subdivisions to provide prevention and education services, at least twenty-five percent (25%) of the money in the fund.

(2) For persons, organizations, agencies, and political subdivisions to provide intervention and treatment services, at least twenty-five percent (25%) of the money in the fund.

(3) For persons, organizations, agencies, and political subdivisions to provide criminal justice services and activities, at least twenty-five percent (25%) of the money in the fund.

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

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

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

(d) If funds are allocated by a county legislative body under subsection (a) and the criminal justice institute has not approved the

comprehensive drug free ~~communities~~ **community** plan for the county, the criminal justice institute may:

(1) approve ~~and appoint~~ a new local coordinating council for the county;

(2) freeze funds allocated by the county legislative body; or

(3) reevaluate the comprehensive drug free ~~communities~~ **community** plan.

SECTION 12. IC 5-2-11-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 6. The fund may not be used to replace other funding for ~~alcohol and drug abuse~~ **substance use** services provided to the county.

P.L.41-2020
[H.1151. Approved March 14, 2020.]

AN ACT to amend the Indiana Code concerning public safety.

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

SECTION 1. IC 5-10-10-4, AS AMENDED BY P.L.171-2019, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 4. As used in this chapter, "public safety officer" means any of the following:

(1) A state police officer.

(2) A county sheriff.

(3) A county police officer.

(4) A correctional officer.

(5) An excise police officer.

(6) A county police reserve officer.

(7) A city or town police reserve officer.

(8) A conservation enforcement officer.

(9) A town marshal.

(10) A deputy town marshal.
(11) A probation officer.
(12) A state educational institution police officer appointed under IC 21-39-4.
(13) A police officer whose employer purchases coverage under section 4.5 of this chapter.
(14) An emergency medical services provider (as defined in IC 16-41-10-1) who is:
(A) employed by a political subdivision (as defined in IC 36-1-2-13); and
(B) not eligible for a special death benefit under IC 36-8-6-20, IC 36-8-7-26, IC 36-8-7.5-22, or IC 36-8-8-20.
(15) A firefighter who is employed by the fire department of a state university.
(16) A firefighter whose employer purchases coverage under section 4.5 of this chapter.
(17) A member of a consolidated law enforcement department established under IC 36-3-1-5.1.
(18) A gaming agent of the Indiana gaming commission.
(19) A person who is:
(A) employed by a political subdivision (as defined in IC 36-1-2-13); and
(B) appointed as a special deputy under IC 36-8-10-10.6.
(20) A school corporation police officer appointed under IC 20-26-16.
(21) A gaming control officer of the Indiana gaming commission.
(22) An eligible chaplain who meets the requirements of section 4.7 of this chapter.
(23) A community corrections officer.
(24) An eligible emergency medical services provider who meets the requirements of section 4.8 of this chapter.
(25) An emergency medical services provider whose employer purchases coverage under section 4.9 of this chapter.
(26) An emergency management worker (as defined in IC 10-14-3-3), including:
(A) an employee of the Indiana department of homeland security who is working in an official capacity as an employee during a disaster or an emergency response; or

(B) an employee of a political subdivision who is employed as:
(i) an emergency management director;
(ii) an assistant emergency management director; or
(iii) a deputy emergency management director;
for the political subdivision.
(27) A division fire investigator (as described in IC 22-14-2-8).
(28) A school resource officer (as defined in IC 20-26-18.2-1) who is not otherwise entitled to a line of duty benefit under:
(A) IC 36-8-6-20;
(B) IC 36-8-7.5-22; or
(C) IC 36-8-8-20;
while acting as a school resource officer.

P.L.42-2020
[H.1173. Approved March 14, 2020.]

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

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

SECTION 1. IC 10-17-1-4, AS AMENDED BY P.L.108-2016, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 4. The commission shall do acts necessary or reasonably incident to the fulfillment of the purposes of this chapter, including the following:
(1) Adopt rules under IC 4-22-2 to administer this chapter.
(2) Advise the veterans' state service officer in problems concerning the welfare of veterans.
(3) Determine general administrative policies within the department.

(4) Establish standards for certification of **state,** county, and city service officers.

(5) Establish and administer a written examination for renewal of the certification of county and city service officers.

(6) Submit, not later than December 31 of each year, an annual report to the legislative council in an electronic format under IC 5-14-6 and to the governor concerning the welfare of veterans.

SECTION 2. IC 10-17-1-5, AS AMENDED BY P.L.144-2007, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 5. (a) The position of director of veterans' affairs is established. The governor shall appoint the director for a four (4) year term. However, the term of office of the director terminates when the term of office of the governor terminates or when a successor to the director is appointed and qualified. The director must be:

(1) an honorably discharged veteran who has at least six (6) months active service in the armed forces of the United States; and

(2) a citizen of Indiana and a resident of Indiana for at least ~~five (5)~~ **two (2) cumulative** years ~~immediately~~ preceding the director's appointment.

(b) The director is entitled to reimbursement for necessary traveling and other expenses.

(c) The governor may remove the director if the governor considers the director guilty of misconduct, incapability, or neglect of duty.

(d) The governor shall appoint an assistant director of veterans' affairs. The assistant director is entitled to receive reimbursement for necessary traveling and other expenses. The assistant director has the same qualifications as the director of veterans' affairs and shall assist the director in carrying out this chapter.

SECTION 3. IC 10-17-1-6, AS AMENDED BY P.L.136-2014, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 6. (a) The director of veterans' affairs:

(1) is the executive and administrative head of the Indiana department of veterans' affairs; and

(2) shall direct and supervise the administrative and technical activities of the department;

subject to the general supervision of the commission.

(b) The duties of the director include the following:

(1) To attend all meetings of the commission and to act as secretary and keep minutes of the commission's proceedings.

(2) To appoint the employees of the department necessary to carry out this chapter and to fix the compensation of the employees. Employees of the department must qualify for the job concerned.

(3) To carry out the program for veterans' affairs as directed by the governor and the commission.

(4) To carry on field direction, inspection, and coordination of county and city service officers as provided in this chapter.

(5) To prepare and conduct service officer training schools with the voluntary aid and assistance of the service staffs of the major veterans' organizations.

(6) To maintain an information bulletin service to county and city service officers for the necessary dissemination of material pertaining to all phases of veterans' rehabilitation and service work, including information necessary to inform veterans of the provisions of IC 22-9-10.

(7) To perform the duties described in IC 10-17-11 for the Indiana state veterans' cemetery.

(8) To perform the duties described in IC 10-17-12 for the military family relief fund.

(9) To establish a program and set guidelines under which a medal of honor ~~awardee~~ **recipient** may receive compensation when attending and participating in official ceremonies.

SECTION 4. IC 10-17-1-9, AS AMENDED BY P.L.108-2016, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 9. (a) A county executive:

(1) shall designate and may:

(A) appoint a county service officer for a four (4) year term; or

(B) employ a county service officer; and

(2) may employ service officer assistants;

to serve the veterans of the county.

(b) The mayor of a city may employ a service officer and may employ service officer assistants to serve the veterans of the city.

(c) If the remuneration and expenses of a county or city service officer are paid from the funds of the county or city employing the service officer, the service officer shall:

(1) ~~have the same qualifications and be subject to the same rules as the director, assistant director, and state service officers of the Indiana department of veterans' affairs;~~ **be:**

(A) an honorably discharged veteran who has at least six (6) months of active service in the armed forces of the United States; or

(B) a service officer assistant with not less than two (2) years of experience;

(2) be a resident of Indiana or become a resident of Indiana not more than six (6) months after the service officer's start date; and

~~(2)~~ **(3)** serve under the supervision of the director of veterans' affairs.

(d) A service officer assistant must **be a resident of Indiana or become a resident of Indiana not later than six (6) months after the service officer assistant's start date and:**

(1) satisfy the requirements specified in subsection (c)(1); or

(2) be the spouse, surviving spouse, parent, or child of a person who satisfies the requirements specified in subsection (c)(1).

~~have the same qualifications as an employee described in section 11(b) of this chapter.~~

(e) A rule contrary to ~~this~~ subsection **(c) or (d)** is void.

~~(d)~~ **(f)** County and city fiscal bodies may appropriate funds necessary for the purposes described in this section.

SECTION 5. IC 10-17-1-10, AS AMENDED BY P.L.99-2016, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 10. (a) Within thirty (30) days of their appointment, new county, or city service officers must attend a new service officer orientation presented by the Indiana department of veterans' affairs and, according to the standards established under section 4(4) of this chapter, become certified to assist veterans and their dependents and survivors. The curriculum for the new service officer orientation presented under this subsection shall be determined by the director.

(b) Within one (1) year of appointment, new service officers must attend a course presented by a national organization and become accredited to represent veterans.

(c) An individual employed as a **state,** county, or city service officer under this chapter is required to become accredited by a national veterans service organization through the United States Department of Veterans Affairs Office of General Counsel not later than one (1) year from the date of **the** individual's employment, in order to represent veterans.

(d) Annually, all **state,** county, or city service officers shall undergo a course of training to adequately address problems of discharged veterans in the service officer's county, or city, including a thorough familiarization with laws, rules, and regulations of the federal government and the state that affect benefits to which the veterans and dependents of the veterans are entitled. After a service officer has undergone this sustainment training and successfully passed a written test, the service officer shall be recertified by the director to assist veterans for the following year.

SECTION 6. IC 10-17-2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1. **(a)** To provide a special and permanent record of discharges from a branch of the military service of the United States of members of a branch of the service who are residents of Indiana, the county recorder shall **do either of the following:**

(1) Procure a sufficiently large and well bound book of good material in which the county recorder shall record all discharges.

(2) Preserve discharges received by the recorder in an electronic format that may be accessed in the office of the recorder and store paper copies or microfilm of the discharges at a secure offsite location from which the paper copies or microfilm may be retrieved as necessary.

(b) The county recorder shall annually test the reliability of hardware and software used to provide electronic access to discharges preserved under subsection (a)(2).

SECTION 7. IC 10-17-2-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 2. A book providing for the recording of discharges from the army, navy, or any other branch of the service must consist of printed forms in blank, similar to and in conformity with the wording of the forms of discharge used by the United States government, the size of type being reduced to permit the printing of the form of the discharge on one (1) page of the record.

Each book must be provided with an alphabetical index. **The standards imposed by this section apply to the preservation of discharges in an electronic format under section 1(a)(2) of this chapter.**

SECTION 8. IC 10-17-2-4, AS AMENDED BY P.L.103-2016, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 4. (a) As used in this section, "photographic identification" means an identification document that:

(1) shows the name of the individual to whom the document was issued;

(2) shows a photograph of the individual to whom the document was issued;

(3) includes an expiration date indicating that the document has not expired; and

(4) was issued by the United States or a state or territory of the United States.

(b) A discharge record is not a public record under IC 5-14-3. A county recorder ~~may~~ **shall** provide a certified copy of a discharge record ~~only to~~ **at the request of** the following persons:

(1) The veteran who is the subject of the discharge record if the veteran provides photographic identification.

(2) A person who provides photographic identification that identifies the person as a **state,** county, or city service officer.

(3) A person who provides photographic identification that identifies the person as an employee of the Indiana department of veterans' affairs.

(4) A person who:

(A) is a funeral director licensed under IC 25-15; and

(B) assists with the burial of the veteran who is the subject of the discharge record;

if the person provides photographic identification and the person's funeral director license.

(5) If the veteran who is the subject of the discharge record is deceased, the spouse or next of kin of the deceased, if the spouse or next of kin provides photographic identification and a copy of the veteran's death certificate.

(6) The following persons, if the person provides photographic identification:

(A) The attorney in fact of the person who is the subject of the discharge record, if the attorney in fact provides a copy of the power of attorney.

(B) The guardian of the person who is the subject of the discharge record, if the guardian of the person provides a copy of the court order appointing the guardian of the person.

(C) The personal representative of the estate of the deceased, if the person who is the subject of the discharge record is deceased and the personal representative of the estate provides a copy of the court order appointing the personal representative of the estate.

(c) To the extent technologically feasible, a county recorder shall take precautions to prevent the disclosure of a discharge record filed with the county recorder before May 15, 2007. After May 14, 2007, a county recorder shall ensure that a discharge record filed with the county recorder is maintained in a separate, confidential, and secure file.

(d) Disclosure of a discharge record by the county recorder under this section is subject to IC 5-14-3-10.

(e) A person who:

(1) is described in subsection (b)(1) through (b)(6); and

(2) uses or discloses:

(A) a discharge record; or

(B) the information contained in a discharge record;

for a purpose that is outside the scope of the person's authorized or official capacity commits a Class A infraction.

(f) The department shall develop a process concerning the release of discharge records by county recorders to eligible persons. The process described under this subsection shall be implemented not later than December 30, 2020.

(g) The department may adopt rules under IC 4-22-2, including emergency rules under IC 4-22-2-37.1, to implement subsection (f).

SECTION 9. IC 10-17-5 IS REPEALED [EFFECTIVE JULY 1, 2020]. (Veteran Benefits).

SECTION 10. IC 10-17-7-3, AS AMENDED BY P.L.2-2007, SECTION 149, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 3. (a) A dependent of a prisoner of war or person missing in action, upon the person's acceptance for

enrollment in a state educational institution, may obtain a bachelor's degree or certificate of completion without tuition or charge as long as the dependent is eligible.

(b) A dependent is entitled to the benefits of this chapter notwithstanding any circumstance, including the return ~~of the father~~ or the reported death of the ~~father.~~ **dependent's parent or guardian who had been declared a prisoner of war or a person missing in action.**

SECTION 11. IC 10-17-8 IS REPEALED [EFFECTIVE JULY 1, 2020]. (Reporting of Veterans Exposed to Chemicals).

SECTION 12. IC 10-17-12-7.5, AS AMENDED BY P.L.99-2016, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 7.5. As used in this chapter, "qualified service member" means an individual who is an Indiana resident and who:

(1) is:

(A) a member of the armed forces of the United States or the national guard (as defined in IC 5-9-4-4); and

(B) serving on or has served on active duty during a time of national conflict or war; or

(2) has:

(A) served on active duty during a time of national conflict or war in:

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

(ii) the national guard (as defined in IC 5-9-4-4); and

(B) ~~received an honorable discharge.~~ **been discharged from the armed forces of the United States or the national guard under honorable conditions.**

SECTION 13. IC 10-17-12-8, AS AMENDED BY P.L.99-2016, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 8. (a) The military family relief fund is established to provide short term assistance with food, housing, utilities, medical services, basic transportation, child care, education, employment or workforce, and other essential family support expenses that have become difficult to afford for qualified service members or dependents of qualified service members.

(b) Except as provided in section 9 of this chapter, the ~~commission~~ **department** shall expend the money in the fund exclusively to provide grants for assistance as described in subsection (a).

(c) The ~~commission~~ **department** shall give priority to applications for grants for assistance from the fund to qualified service members or dependents of qualified service members who have never received a grant under this chapter.

(d) Subject to the approval of the budget agency, the commission shall establish the maximum total dollar amount of grants that may be expended in a state fiscal year. Once the maximum total dollar amount of grants that may be expended in a state fiscal year is reached, no additional grants may be authorized until the start of the following state fiscal year.

(e) The director shall each year provide a report to the budget committee concerning the grant program under this chapter.

(f) A qualified service member or the qualified service member's dependent may be eligible to receive assistance from the fund.

(g) The commission shall administer the fund.

SECTION 14. IC 10-17-12-10, AS AMENDED BY THE TECHNICAL CORRECTIONS BILL OF THE 2020 GENERAL ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 10. (a) The commission shall adopt rules under IC 4-22-2 for the provision of grants under this chapter. Subject to subsection (b), the rules adopted under this section must address the following:

(1) Uniform need determination procedures.

(2) Eligibility criteria, including income eligibility standards, asset limit eligibility standards, and other standards concerning when assistance may be provided.

(3) Application procedures.

(4) Selection procedures.

(5) A consideration of the extent to which an individual has used assistance available from other assistance programs before assistance may be provided to the individual from the fund.

(6) Other areas in which the ~~department~~ **commission** determines that rules are necessary to ensure the uniform administration of the grant program under this chapter.

(b) The following apply to grants awarded under this chapter:

(1) An applicant is not eligible for a grant from the fund if:

(A) the qualified service member with respect to whom the application is based has been discharged; and

(B) the qualified service member's term of qualifying military service was less than twelve (12) months.

(2) The income eligibility standards must be based on the federal gross income of the qualified service member and the qualified service member's spouse.

(3) An employee of the department who is otherwise eligible for a grant from the fund must submit the employee's application directly to the commission for review. The department shall have no influence in any part of the employee's application.

(4) The maximum amount a qualified service member may receive from the fund is two thousand five hundred dollars ($2,500), unless **a higher amount is** approved by the commission.

(5) The commission may consider the following in its analysis of the applicant's request for assistance in excess of two thousand five hundred dollars ($2,500):

(A) The department's eligibility determination of the applicant.

(B) Facts considered in the department's need determination review and award under 915 IAC 3-6-3 and 915 IAC 3-6-5.

(C) The circumstances surrounding the applicant's hardship.

(D) Any substantive changes in the applicant's financial situation after the original application was submitted.

(E) Facts that may have been unknown or unavailable at the time of the applicant's original application for assistance.

(F) Other compelling circumstances that may justify assistance in excess of the two thousand five hundred dollar ($2,500) threshold.

(6) The commission shall approve or deny within sixty (60) days an application for a grant filed with the commission after June 30, 2019, by an employee of the department. However, the commission may not act on an incomplete application. The commission shall return an incomplete application with a notation as to omissions. The return of an incomplete application shall be without prejudice.

SECTION 15. IC 10-17-12.5 IS REPEALED [EFFECTIVE JULY 1, 2020]. (Veterans Disability Clinic Fund).

SECTION 16. IC 25-25-2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1. (a) This section applies to:

(1) any veteran described in IC 10-17-5-2 or IC 10-17-5-1 **(before their repeal);** or

(2) any other veteran to whom this chapter applies because of the provisions of any other statute;

who holds an honorable discharge from such service issued by the proper authorities. Such a person shall be entitled to a license to vend, hawk, and peddle goods, wares, fruits, and merchandise in any county, city, or town in Indiana without the payment of any fee for the license. Upon the presentation of the person's certificate and papers of discharge, properly executed, to the auditor of any county and proving the person's identity as the person named in the person's certificate of honorable discharge, the auditor shall issue to the former soldier or sailor a free license to vend, hawk, and peddle goods, wares, fruits, and merchandise in the county and in all cities and towns in the county. A fee may not be charged to the holder of the license by the auditor, by the authorities of any city or town in the county, or by any other officer. The license shall be full and complete authority to vend, hawk, and peddle without the payment of any sum of money.

(b) A person who acquires a license under this section is subject to all county, city, or town regulations and ordinances concerning vendors, hawkers, or peddlers, except for those provisions requiring payment of money for obtaining a license.

SECTION 17. IC 27-8-3-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 6. Any incorporation, association or society organized to insure lives, which provides for the payment of policy claims, or the accumulation of reserve or emergency funds, and the expenses of the management and prosecution of the business by payments to be made either at periods named in the contract or upon assessments as required, by persons holding similar contracts, and wherein the insured's liability to contribute to the payment of policy claims accrued or to accrue is not limited to a fixed sum, shall be deemed to be engaged in the business of life insurance upon the assessment plan, and shall be subject only to the provisions of this chapter. However, nothing contained in this chapter shall be construed as applicable to any association of religious or secret

societies, or to any class of mechanics, express, telegraph or railroad employees, or veterans described in IC 10-17-5-2 or IC 10-17-5-1 **(before their repeal)** formed for the mutual benefit of the members thereof and their families exclusively, or to any secret or fraternal societies, lodges or councils that may be organized, or that are now organized and doing business in this state, which conduct their business and secure members on the lodge system exclusively, having ritualistic work and ceremonies in their societies, lodges or councils, and which are under the supervision of the grand or supreme body, nor to any association organized solely for benevolent purposes and not for profit.

SECTION 18. IC 27-8-3-26 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 26. Nothing contained in sections ~~one~~ **1** through ~~twenty-five~~ **25** of this chapter shall be construed to apply to secret or fraternal societies, lodges or councils that are now organized, or that may hereafter be organized, which conduct their business and secure members on the lodge system, exclusively, having ritualistic work and ceremonies in their societies, lodges or councils, and which are under the supervision of a grand or supreme body, nor to any association organized solely for benevolent purposes and not for profit; nor to any association of religious or secret societies, nor to any class of mechanics, express, telegraph or railroad employees or veterans described in IC 10-17-5-2 or IC 10-17-5-1 **(before their repeal)** or any existing societies now doing business and formed for the mutual benefit of the members thereof and their families exclusively.

P.L.43-2020
[H.1174. Approved March 14, 2020.]

AN ACT to amend the Indiana Code concerning public safety.

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

SECTION 1. IC 10-19-3-3, AS AMENDED BY P.L.27-2010, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 3. The executive director shall do the following:

(1) Serve as the chief executive and administrative officer of the department.

(2) Serve as the director of the council.

(3) Administer the application for, and disbursement of, federal and state homeland security money for all Indiana state and local governments.

(4) Develop a single strategic plan for preparing and responding to homeland security emergencies in consultation with the council.

(5) Serve as the state coordinating officer under federal law for all matters relating to emergency and disaster mitigation, preparedness, response, and recovery.

(6) Use and allocate the services, facilities, equipment, personnel, and resources of any state agency, on the governor's behalf, as is reasonably necessary in the preparation for, response to, or recovery from an emergency or disaster situation that threatens or has occurred in Indiana.

(7) Develop a plan to protect key state assets and public infrastructure from a disaster or terrorist attack.

(8) Partner with state agencies, including the state department of health and state educational institutions, to develop public safety education and outreach programs.

SECTION 2. IC 10-19-7-3, AS AMENDED BY P.L.218-2014, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

JULY 1, 2020]: Sec. 3. (a) The state fire marshal appointed under IC 22-14-2-2 shall do the following:

(1) Serve as a deputy executive director to manage the division.

(2) Administer the division.

(3) Provide staff to support the fire prevention and building safety commission established by IC 22-12-2-1.

(4) Partner with state agencies, including the state department of health and state educational institutions, to develop public safety education and outreach programs.

(b) The state fire marshal may not exercise any powers or perform any duties specifically assigned to either of the following:

(1) The fire prevention and building safety commission.

(2) The state building commissioner.

(c) The state fire marshal may delegate the state fire marshal's authority to the appropriate division staff.

SECTION 3. IC 10-19-7-5, AS ADDED BY P.L.188-2014, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 5. (a) For purposes of this section, "EMS" means emergency medical services.

(b) For purposes of this section, "state EMS medical director" refers to the state emergency medical services medical director appointed under subsection (c).

(c) The executive director shall appoint an individual to serve as the state emergency medical services medical director. The individual must have the following qualifications:

(1) Thorough knowledge of state EMS laws and administrative rules and regulations.

(2) At least five (5) years experience in the following:

(A) Medical direction of out of hospital EMS.

(B) Emergency department treatment of acutely ill and injured patients.

(3) Significant experience and familiarity with the following:

(A) The design and operation of statewide EMS systems.

(B) Working with national and other state EMS committees.

(4) At the time of the individual's appointment, has a valid and unrestricted license to practice medicine in Indiana.

(5) Be certified by the American Board of Emergency Medicine.

(6) Other areas of knowledge and expertise that the executive director determines essential.

The state EMS medical director shall be an employee of the department.

(d) The executive director shall submit the name of the individual whom the executive director would like to appoint as state EMS medical director to the Indiana emergency medical services commission created by IC 16-31-2-1. The commission may, by a majority of the members, vote not later than thirty (30) days after the submission on whether to approve the appointment. If the commission:

(1) does not take any action; or

(2) by a majority of the commission votes to approve the appointment of the individual;

not later than thirty (30) days after, the appointment shall become effective. If a majority of the commission votes not later than thirty (30) days after the submission of the appointment to not approve the appointment, the executive director shall restart the appointment process and submit an alternative individual for appointment.

(e) The state EMS medical director shall oversee all pre-hospital aspects of the statewide EMS system, including the following:

(1) Medical components for systems of care that interface or integrate with the statewide EMS system, including the following:

(A) Statewide planning for trauma, burn, cardiac, and stroke care.

(B) Domestic preparedness.

(C) EMS for children.

(2) For all levels of emergency responders, establishment of the following:

(A) Statewide model guidelines and best practices for all patient care activities to ensure delivery of medical care consistent with professionally recognized standards.

(B) A statewide EMS continuous quality improvement program.

(C) A statewide EMS advocacy program.

(3) In cooperation with appropriate state and local agencies, training and certification of all EMS providers.

(f) The state EMS medical director shall assist the executive director on all issues related to statewide EMS, including the following:

(1) Consulting with EMS medical directors.

(2) In consultation with the Indiana emergency medical services commission created by IC 16-31-2-1, providing guidance and assistance on the following matters:

(A) Scope of practice for EMS providers.

(B) Restrictions placed on EMS certifications.

(C) Appropriate corrective and disciplinary actions for EMS personnel.

(D) Education and training on emerging issues in EMS.

(3) EMS system research.

(4) Coordination of all medical activities for disaster planning and response.

(5) Improving quality of care, research, and injury prevention programs.

(6) Partnering with state agencies, including the state department of health and state educational institutions, to develop public safety education and outreach programs.

SECTION 4. IC 22-14-7-27, AS ADDED BY P.L.82-2008, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 27. (a) The fire prevention and public safety fund is established. The fund shall be administered by the state fire marshal. Money in the fund may **be** used to support:

(1) fire safety and prevention programs; **and**

(2) public safety education and outreach programs, including, but not limited to, youth helmet safety.

(b) The expenses of administering the fund shall be paid from money in the fund.

(c) The treasurer of state shall invest 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.

(d) The fund consists of:

(1) penalties recovered under section 24 of this chapter; and

(2) grants, gifts, and donations intended for deposit in the fund.

(e) The money in the fund at the end of the state fiscal year does not revert to the state general fund.

P.L.44-2020
[H.1199. Approved March 14, 2020.]

AN ACT to amend the Indiana Code concerning health.

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

SECTION 1. IC 16-18-2-64.6 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 64.6. "Community based palliative care", for purposes of IC 16-25-4.7, has the meaning set forth in IC 16-25-4.7-1.**

SECTION 2. IC 16-18-2-265.5, AS ADDED BY P.L.43-2016, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 265.5. "Palliative care", for purposes of ~~IC 16-19-17,~~ **IC 16-25-4.7,** has the meaning set forth in ~~IC 16-19-17-2.~~ **IC 16-25-4.7-2.**

SECTION 3. IC 16-25-4.7 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]:

Chapter 4.7. Palliative Care

Sec. 1. As used in this chapter, "community based palliative care" means patient centered and family focused palliative care that is provided in a location that the patient considers to be the patient's home.

Sec. 2. As used in this chapter, "palliative care" means patient centered and family focused medical care that optimizes quality of life by anticipating, preventing, and treating suffering caused by a medical illness or a physical injury or condition that substantially affects a patient's quality of life. The term includes the following:

(1) Addressing physical, emotional, social, and spiritual needs.

(2) Providing appropriate care based on patient and family need and without regard to the patient's age, stage of illness, or prognosis.

(3) Facilitating patient autonomy and choice of care.

(4) Allowing for curative and life prolonging treatment in any care setting.

(5) Providing an interdisciplinary team of practitioners, including physicians, nurses, and other specialists.

(6) Providing access to information.

(7) Discussing the patient's goals for treatment and treatment options, including hospice care when appropriate.

(8) Comprehensively managing pain and symptoms.

Sec. 3. A hospice provider who is licensed under IC 16-25-3-1(b) may provide community based palliative care to a patient who is not eligible for hospice if the hospice provider:

(1) meets the licensing requirements in this article; and

(2) is certified in community based palliative care by an organization approved by the state department.

P.L.45-2020

[H.1210. Approved March 14, 2020.]

AN ACT to amend the Indiana Code concerning health.

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

SECTION 1. IC 7.1-5-12-5, AS AMENDED BY P.L.231-2015, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 5. (a) Except as provided in subsection (c) and subject to section 13 of this chapter, smoking may be allowed in the following:

(1) A horse racing facility operated under a permit under IC 4-31-5 and any other permanent structure on land owned or leased by the owner of the facility that is adjacent to the facility.

(2) A riverboat (as defined in IC 4-33-2-17) and any other permanent structure that is:

(A) owned or leased by the owner of the riverboat; and

(B) located on land that is adjacent to:

(i) the dock to which the riverboat is moored; or

(ii) the land on which the riverboat is situated in the case of a riverboat described in IC 4-33-2-17(2).

(3) A facility that operates under a gambling game license under IC 4-35-5 and any other permanent structure on land owned or leased by the owner of the facility that is adjacent to the facility.

(4) A satellite facility licensed under IC 4-31-5.5.

(5) An establishment owned or leased by a business that meets the following requirements:

(A) The business was in business and permitted smoking on December 31, 2012.

(B) The business prohibits entry by an individual who is less than twenty-one (21) years of age.

(C) The owner or operator of the business holds a beer, liquor, or wine retailer's permit.

(D) The business limits smoking in the establishment to smoking with a waterpipe or hookah device.

(E) During the preceding calendar year, at least ten percent (10%) of the business's annual gross income was from the sale of loose tobacco for use in a waterpipe or hookah device.

(F) The person in charge of the business posts in the establishment conspicuous signs that display the message that cigarette smoking is prohibited.

(6) An establishment owned or leased by a business that meets the following requirements:

(A) The business prohibits entry by an individual who is less than twenty-one (21) years of age.

(B) The owner or operator of the business holds a beer, liquor, or wine retailer's permit.

(C) The business limits smoking in the establishment to cigar smoking.

(D) During the preceding calendar year, at least ten percent (10%) of the business's annual gross income was from the sale of cigars and the rental of onsite humidors.

(E) The person in charge of the business posts in the establishment conspicuous signs that display the message that cigarette smoking is prohibited.

(7) A premises owned or leased by and regularly used for the activities of a business that meets all of the following:

(A) The business is exempt from federal income taxation under 26 U.S.C. 501(c).

(B) The business:

(i) meets the requirements to be considered a club under IC 7.1-3-20-1; or

(ii) is a fraternal club (as defined in IC 7.1-3-20-7).

(C) The business provides food or alcoholic beverages only to its bona fide members and their guests.

(D) The business:

(i) provides a separate, enclosed, designated smoking room or area that is adequately ventilated to prevent migration of smoke to nonsmoking areas of the premises;

(ii) allows smoking only in the room or area described in item (i);

(iii) does not allow an individual who is less than eighteen (18) years of age to enter into the room or area described in item (i); and

(iv) allows a guest in the smoking room or area described in item (i) only when accompanied by a bona fide member of the business.

(8) A retail tobacco store used primarily for the sale of tobacco products and tobacco accessories that meets the following requirements:

(A) The owner or operator of the store holds a valid tobacco sales certificate issued under IC 7.1-3-18.5.

(B) The store prohibits entry by an individual who is less than eighteen (18) years of age.

(C) The sale of products other than tobacco products and tobacco accessories is merely incidental.

(D) The sale of tobacco products accounts for at least eighty-five percent (85%) of the store's annual gross sales.

(E) Food or beverages are not sold in a manner that requires consumption on the premises, and there is not an area set aside for customers to consume food or beverages on the premises.

(9) A bar or tavern:

(A) for which a permittee holds:

(i) a beer retailer's permit under IC 7.1-3-4;

(ii) a liquor retailer's permit under IC 7.1-3-9; or

(iii) a wine retailer's permit under IC 7.1-3-14;

(B) that does not employ an individual who is less than eighteen (18) years of age;

(C) that does not allow an individual who:

(i) is less than twenty-one (21) years of age; and

(ii) is not an employee of the bar or tavern;

to enter any area of the bar or tavern; and

(D) that is not located in a business that would otherwise be subject to this chapter.

(10) A cigar manufacturing facility that does not offer retail sales.

(11) A premises of a cigar specialty store to which all of the following apply:

(A) The owner or operator of the store holds a valid tobacco sales certificate issued under IC 7.1-3-18.5.

(B) The sale of tobacco products and tobacco accessories account for at least fifty percent (50%) of the store's annual gross sales.

(C) The store has a separate, enclosed, designated smoking room that is adequately ventilated to prevent migration of smoke to nonsmoking areas.

(D) Smoking is allowed only in the room described in clause (C).

(E) Individuals who are less than eighteen (18) years of age are prohibited from entering into the room described in clause (C).

(F) Cigarette smoking is not allowed on the premises of the store.

(G) The owner or operator of the store posts a conspicuous sign on the premises of the store that displays the message that cigarette smoking is prohibited.

(H) The store does not prepare any food or beverage that would require a certified food ~~handler~~ **protection manager** under IC 16-42-5.2.

(12) The premises of a business that is located in the business owner's private residence (as defined in IC 3-5-2-42.5) if the only employees of the business who work in the residence are the owner and other individuals who reside in the residence.

(b) The owner, operator, manager, or official in charge of an establishment or premises in which smoking is allowed under this section shall post conspicuous signs in the establishment that read "WARNING: Smoking Is Allowed In This Establishment" or other similar language.

(c) This section does not allow smoking in the following enclosed areas of an establishment or premises described in subsection (a)(1) through (a)(11):

(1) Any hallway, elevator, or other common area where an individual who is less than eighteen (18) years of age is permitted.

(2) Any room that is intended for use by an individual who is less than eighteen (18) years of age.

(d) The owner, operator, or manager of an establishment or premises that is listed under subsection (a) and that allows smoking shall provide a verified statement to the commission that states that the establishment or premises qualifies for the exemption. The commission may require the owner, operator, or manager of an establishment or premises to provide documentation or additional information concerning the exemption of the establishment or premises.

SECTION 2. IC 16-18-2-51.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 51.5. "Certified food ~~handler",~~ **protection manager",** for purposes of IC 16-42-5.2, has the meaning set forth in IC 16-42-5.2-4.

SECTION 3. IC 16-18-2-52 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 52. **(a)** "Certificate" or "certification", for purposes of IC 16-31, means authorization in written form issued by the Indiana emergency medical services commission to a person to furnish, operate, conduct, maintain, advertise, or otherwise engage in providing emergency medical services as a part of a regular course of doing business, either paid or voluntary.

(b) "Certificate", for purposes of IC 16-42-5.2, has the meaning set forth in IC 16-42-5.2-4.5.

SECTION 4. IC 16-18-2-138.3 IS REPEALED [EFFECTIVE JULY 1, 2020]. ~~Sec. 138.3. "Food handler", for purposes of IC 16-42-5.2, has the meaning set forth in IC 16-42-5.2-5.~~

SECTION 5. IC 16-27-1-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 12. (a) The state health commissioner may take one (1) or more of the following actions on any ground listed in subsection (b):

(1) Issue a letter of correction.

(2) Issue a probationary license.

(3) Conduct a resurvey.

(4) Deny renewal of a license.

(5) Revoke a license.

(6) Impose a civil penalty in an amount not to exceed ten thousand dollars ($10,000).

(b) The state health commissioner may take action under subsection (a) on any of the following grounds:

(1) Violation of any of the provisions of this chapter or rules adopted under this chapter.

(2) Permitting, aiding, or abetting the commission of an illegal act in a home health agency.

(3) Conduct or practice found by the state department to be detrimental to the welfare of the patients of the home health care agency.

(c) A person who intentionally:

(1) prevents, interferes with, or attempts to impede the work of an employee of the state department in the investigation and enforcement of any provision of this article or rule adopted under this article;

(2) prevents or attempts to prevent an employee of the state department from examining any relevant records in the conduct of official duties under this article or rule adopted under this article;

(3) prevents or interferes with an employee of the state department in preserving evidence of the breach of any provision of this article or rules adopted by the state department;

(4) retaliates or discriminates against a patient, health care representative, power of attorney, employee, agency staff member, or any other person for:

(A) contacting or providing information to any state official; or

(B) initiating, participating in, or testifying in an action under this article or rules adopted by the state department; or

(5) fails to correct or interferes with the correction process within the correction period specified on the citation or approved plan of correction, unless an extension is granted by the director and the corrections are made before expiration of the extension;

commits a Class C misdemeanor.

~~(c)~~ **(d) In addition to the criminal provisions for violations described in this section, the commissioner may commence an action under** IC 4-21.5 ~~applies to an action under this section.~~ **for issuance of an order of compliance and assess a civil penalty not to exceed twenty-five thousand dollars ($25,000).**

SECTION 6. IC 16-38-5-1, AS AMENDED BY P.L.191-2013, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1. (a) The state department shall maintain an immunization data registry to collect, store, analyze, release, and report immunization data.

(b) **Except as provided in subsection (c),** data in the immunization data registry may be used only for the following purposes:

(1) To assure that necessary immunizations are provided and overimmunization is avoided.

(2) To assess immunization coverage rates.

(3) To determine areas of underimmunization and other epidemiological research for disease control purposes.

(4) To document that required immunizations have been provided as required for school or child care admission.

(5) To accomplish other public health purposes as determined by the state department.

(c) The immunization data registry may be used to store and release other nonimmunization personal health information maintained by the state department, including blood lead screening

and newborn screening information, so providers and the individual may access the health information. However, section 3 of this chapter does not apply to the release of nonimmunization personal health information. Nonimmunization personal health information may be released only in accordance with state and federal laws concerning that personal health information.

~~(c)~~ **(d)** The state department may adopt rules under IC 4-22-2 concerning who may input and retrieve information from the immunization data registry.

SECTION 7. IC 16-39-1-3, AS AMENDED BY P.L.240-2017, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2020]: Sec. 3. (a) Health records may be requested by a competent patient if the patient is:

(1) emancipated and less than eighteen (18) years of age; or

(2) at least eighteen (18) years of age.

(b) If a patient is incompetent, the request for health records may be made by the parent, guardian, or custodian of the patient.

(c) Health records of a deceased patient may be requested:

(1) by a coroner under IC 36-2-14-21 or by the personal representative of the patient's estate;

(2) if the estate of the deceased patient does not have a personal representative, by the spouse of the deceased patient;

(3) if the deceased patient does not have a surviving spouse and the deceased patient's estate does not have a personal representative, by:

(A) a child of the deceased patient; or

(B) the parent, guardian, or custodian of the child of the deceased patient if the child of the deceased patient is incompetent; ~~or~~

(4) if the deceased patient was an incapacitated person for whom a guardian had been appointed under IC 29-3 or the law of another state, by the guardian of the deceased patient, except as provided in subsection (d); **or**

(5) if the deceased patient does not have a surviving spouse or child, and the deceased patient's estate does not have a personal representative, by any responsible member of the family.

(d) If:

(1) the deceased patient was an incapacitated person subject to a guardianship at the time of the patient's death; and

(2) a personal representative of the estate of the deceased patient is appointed under IC 29-1-7;

the guardian of the deceased patient may not request health records of the deceased patient under subsection (c)(4).

SECTION 8. IC 16-39-2-6, AS AMENDED BY THE TECHNICAL CORRECTIONS BILL OF THE 2020 GENERAL ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2020]: Sec. 6. (a) Without the consent of the patient, the patient's mental health record may only be disclosed as follows:

(1) To individuals who meet the following conditions:

(A) Are employed by:

(i) the provider at the same facility or agency;

(ii) a managed care provider (as defined in IC 12-7-2-127); or

(iii) a health care provider or mental health care provider, if the mental health records are needed to provide health care or mental health services to the patient.

(B) Are involved in the planning, provision, and monitoring of services.

(2) To the extent necessary to obtain payment for services rendered or other benefits to which the patient may be entitled, as provided in IC 16-39-5-3.

(3) To the patient's court appointed counsel and to the Indiana protection and advocacy services commission.

(4) For research conducted in accordance with IC 16-39-5-3 and the rules of the division of mental health and addiction, the rules of the division of disability and rehabilitative services, ~~or~~ the rules of the provider, **or the rules of the Indiana archives and records administration and the oversight committee on public records.**

(5) To the division of mental health and addiction for the purpose of data collection, research, and monitoring managed care providers (as defined in IC 12-7-2-127) who are operating under a contract with the division of mental health and addiction.

(6) To the extent necessary to make reports or give testimony required by the statutes pertaining to admissions, transfers, discharges, and guardianship proceedings.

(7) To a law enforcement agency if any of the following conditions are met:

(A) A patient escapes from a facility to which the patient is committed under IC 12-26.

(B) The superintendent of the facility determines that failure to provide the information may result in bodily harm to the patient or another individual.

(C) A patient commits or threatens to commit a crime on facility premises or against facility personnel.

(D) A patient is in the custody of a law enforcement officer or agency for any reason and:

(i) the information to be released is limited to medications currently prescribed for the patient or to the patient's history of adverse medication reactions; and

(ii) the provider determines that the release of the medication information will assist in protecting the health, safety, or welfare of the patient.

Mental health records released under this clause must be maintained in confidence by the law enforcement agency receiving them.

(8) To a coroner or medical examiner, in the performance of the individual's duties.

(9) To a school in which the patient is enrolled if the superintendent of the facility determines that the information will assist the school in meeting educational needs of the patient.

(10) To the extent necessary to satisfy reporting requirements under the following statutes:

(A) IC 12-10-3-10.

(B) IC 12-24-17-5.

(C) IC 16-41-2-3.

(D) IC 31-25-3-2.

(E) IC 31-33-5-4.

(F) IC 34-30-16-2.

(G) IC 35-46-1-13.

(11) To the extent necessary to satisfy release of information requirements under the following statutes:

(A) IC 12-24-11-2.

(B) IC 12-24-12-3, IC 12-24-12-4, and IC 12-24-12-6.

(C) IC 12-26-11.

(12) To another health care provider in a health care emergency.

(13) For legitimate business purposes as described in IC 16-39-5-3.

(14) Under a court order under IC 16-39-3.

(15) With respect to records from a mental health or developmental disability facility, to the United States Secret Service if the following conditions are met:

(A) The request does not apply to alcohol or drug abuse records described in 42 U.S.C. 290dd-2 unless authorized by a court order under 42 U.S.C. 290dd-2(b)(2)(c).

(B) The request relates to the United States Secret Service's protective responsibility and investigative authority under 18 U.S.C. 3056, 18 U.S.C. 871, or 18 U.S.C. 879.

(C) The request specifies an individual patient.

(D) The director or superintendent of the facility determines that disclosure of the mental health record may be necessary to protect a person under the protection of the United States Secret Service from serious bodily injury or death.

(E) The United States Secret Service agrees to only use the mental health record information for investigative purposes and not disclose the information publicly.

(F) The mental health record information disclosed to the United States Secret Service includes only:

(i) the patient's name, age, and address;

(ii) the date of the patient's admission to or discharge from the facility; and

(iii) any information that indicates whether or not the patient has a history of violence or presents a danger to the person under protection.

(16) To the statewide waiver ombudsman established under IC 12-11-13, in the performance of the ombudsman's duties.

(b) If a licensed mental health professional or licensed paramedic, in the course of rendering a treatment intervention, determines that a

patient may be a harm to himself or herself or others, the licensed mental health professional or licensed paramedic may request a patient's individualized **mental health** safety plan from a psychiatric crisis center, psychiatric inpatient unit, or psychiatric residential treatment provider. Each psychiatric crisis center, psychiatric inpatient unit, and psychiatric residential treatment provider shall, upon request and without the consent of the patient, share a patient's individualized mental health safety plan that is in the standard format established by the division of mental health and addiction under IC 12-21-5-6 ~~to~~ **with** the following individuals who demonstrate proof of licensure and commit to protecting the information in compliance with state and federal privacy laws:

(1) A licensed mental health professional.

(2) A licensed paramedic.

An individualized mental health safety plan disclosed under this subsection may be used only to support a patient's welfare and safety and is considered otherwise confidential information under applicable state and federal laws.

(c) After information is disclosed under subsection (a)(15) and if the patient is evaluated to be dangerous, the records shall be interpreted in consultation with a licensed mental health professional on the staff of the United States Secret Service.

(d) A person who discloses information under subsection (a)(7), (a)(15), or ~~subsection~~ (b) in good faith is immune from civil and criminal liability.

SECTION 9. IC 16-39-5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2020]: Sec. 3. (a) As used in this section,"association" refers to an Indiana hospital trade association founded in 1921.

(b) As used in this section, "data aggregation" means a combination of information obtained from the health records of a provider with information obtained from the health records of one (1) or more other providers to permit data analysis that relates to the health care operations of the providers.

(c) Except as provided in IC 16-39-4-5, the original health record of the patient is the property of the provider and as such may be used by the provider without specific written authorization for legitimate business purposes, including the following:

(1) Submission of claims for payment from third parties.
(2) Collection of accounts.
(3) Litigation defense.
(4) Quality assurance.
(5) Peer review.
(6) Scientific, statistical, and educational purposes.

(d) In use under subsection (c), the provider shall at all times protect the confidentiality of the health record and may disclose the identity of the patient only when disclosure is essential to the provider's business use or to quality assurance and peer review.

(e) A provider **or the Indiana archives and records administration** may disclose a health record to another provider or to a nonprofit ~~medical~~ research organization to be used in connection with a ~~joint~~ scientific, statistical, or educational project. Each party that receives information from a health record in connection with the joint project shall protect the confidentiality of the health record and may not disclose the patient's identity except as allowed under this article.

(f) A provider may disclose a health record or information obtained from a health record to the association for use in connection with a data aggregation project undertaken by the association. However, the provider may disclose the identity of a patient to the association only when the disclosure is essential to the project. The association may disclose the information it receives from a provider under this subsection to the state department to be used in connection with a public health activity or data aggregation of inpatient and outpatient discharge information submitted under IC 16-21-6-6. The information disclosed by:

(1) a provider to the association; or
(2) the association to the state department;

under this subsection is confidential.

(g) Information contained in final results obtained by the state department for a public health activity that:

(1) is based on information disclosed under subsection (f); and
(2) identifies or could be used to determine the identity of a patient;

is confidential. All other information contained in the final results is not confidential.

(h) Information that is:

(1) advisory or deliberative material of a speculative nature; or

(2) an expression of opinion;

including preliminary reports produced in connection with a public health activity using information disclosed under subsection (f), is confidential and may only be disclosed by the state department to the association and to the provider who disclosed the information to the association.

(i) The association shall, upon the request of a provider that contracts with the association to perform data aggregation, make available information contained in the final results of data aggregation activities performed by the association in compliance with subsection (f).

(j) A person who recklessly violates or fails to comply with subsections (e) through (h) commits a Class C infraction. Each day a violation continues constitutes a separate offense.

(k) This chapter does not do any of the following:

(1) Repeal, modify, or amend any statute requiring or authorizing the disclosure of information about any person.

(2) Prevent disclosure or confirmation of information about patients involved in incidents that are reported or required to be reported to governmental agencies and not required to be kept confidential by the governmental agencies.

SECTION 10. IC 16-42-5.2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1. Except as provided in this chapter, a corporation or local health department may not impose any registration, certification, or licensing requirements on food handling or **certified** food ~~handlers.~~ **protection managers.**

SECTION 11. IC 16-42-5.2-2, AS AMENDED BY P.L.139-2005, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 2. ~~(a) Except as provided in subsection (b),~~ This chapter does not apply to a food establishment when the food establishment's food handling activities **do not include the cooking of raw food of an animal origin or** are limited ~~solely~~ to one (1) or more of the following:

(1) Heating or serving precooked foods.

(2) Preparing or serving a continental breakfast such as rolls, coffee, juice, milk, and cold cereal.

(3) Preparing or serving ~~nonalcoholic or alcoholic~~ beverages ~~that are not potentially hazardous beverages~~ or ice.

(4) Preparing or serving packaged or unpackaged **low hazard** foods, ~~that are not potentially hazardous foods,~~ including elephant ears, funnel cakes, cotton candy, confectionaries, baked goods, popcorn, and chips and grinding coffee beans.

(5) Providing prepackaged food in its original package.

~~(b) This subsection does not apply to a pharmacy that is a food establishment that provides only prepackaged food products for sale. A food establishment that has more than ten thousand (10,000) square feet in total retail sales space at the food establishment location must comply with this chapter.~~

SECTION 12. IC 16-42-5.2-3.5, AS ADDED BY P.L.139-2005, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 3.5. (a) An organization that is exempt from the state gross retail tax under IC 6-2.5-5-21(b)(1)(B), IC 6-2.5-5-21(b)(1)(C), or IC 6-2.5-5-21(b)(1)(D) is exempt from complying with the requirements of this chapter.

(b) This section does not prohibit an exempted organization from waiving the exemption and using a certified food ~~handler.~~ **protection manager.**

SECTION 13. IC 16-42-5.2-3.7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 3.7. As used in this chapter, "certificate" means a certificate, letter, or other document that verifies that the individual has passed an accreditation examination given by an accredited testing service recognized by the Conference for Food Protection or an equivalent nationally recognized certification program as determined by the state department of health.**

SECTION 14. IC 16-42-5.2-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 4. As used in this chapter, "certified food ~~handler"~~ **protection manager"** means a food handler who holds a certificate. ~~described in section 7 of this chapter.~~

SECTION 15. IC 16-42-5.2-5 IS REPEALED [EFFECTIVE JULY 1, 2020]. ~~Sec. 5. As used in this chapter, "food handler" means an individual who:~~

~~(1) is an owner, an operator, a manager, or an employee of a food establishment; and~~

~~(2) is responsible for or oversees the storage, preparation, display, or serving of food to the public.~~

SECTION 16. IC 16-42-5.2-6 IS REPEALED [EFFECTIVE JULY 1, 2020]. ~~Sec. 6. After December 31, 2004, at least one (1) food handler at a food establishment must be a certified food handler.~~

SECTION 17. IC 16-42-5.2-7 IS REPEALED [EFFECTIVE JULY 1, 2020]. ~~Sec. 7. A food handler who holds a certificate recognized by the Conference for Food Protection or an equivalent nationally recognized certification program as determined by the state department of health meets the food borne illness prevention training requirements established by the state department of health.~~

SECTION 18. IC 16-42-5.2-7.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 7.1. (a) A certified food protection manager must do the following:**

(1) Provide the food establishment where the certified food protection manager is employed with a copy of the individual's certificate and photo identification card.

(2) Obtain a valid certificate every five (5) years.

(b) An individual may not work as a certified food protection manager with an expired certificate.

SECTION 19. IC 16-42-5.2-7.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 7.5. An individual may not use the title "certified food protection manager" or indicate that the individual is a certified food protection manager unless the individual holds a valid certificate.**

SECTION 20. IC 16-42-5.2-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 8. **(a)** ~~After December 31, 2004,~~ A food establishment must have at least one (1) certified food ~~handler~~ **protection manager** responsible for all periods of the food establishment's operation. However, a certified food ~~handler~~ **protection manager** need not be present at the food establishment during all hours of operation.

(b) Notwithstanding subsection (a), if the state department and food establishment enter into a variance concerning requirements

for the operation of the food establishment, a certified food protection manager may be required to be present at the food establishment during all hours of operation if agreed upon in the variance.

SECTION 21. IC 16-42-5.2-8.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 8.5. A food establishment must do the following:**

(1) Provide the name and copies of the certificate and photo identification card for the certified food protection manager to an inspector from a governmental regulatory authority.

(2) Remove the certificate from the food establishment when the certified food protection manager terminates employment with the food establishment.

SECTION 22. IC 16-42-5.2-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 9. ~~After December 31, 2004,~~ A food establishment that begins operation or changes ownership shall comply with section 8 of this chapter not later than six (6) months after beginning operation or changing ownership.

SECTION 23. IC 16-42-5.2-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 10. ~~After December 31, 2004,~~ If a food establishment does not have a certified food ~~handler~~ **protection manager** because a certified food ~~handler~~ **protection manager** terminates employment with the food establishment, the owner or operator of the food establishment shall comply with section 8 of this chapter not later than three (3) months after the termination date of the previous certified food ~~handler.~~ **protection manager.**

SECTION 24. IC 16-42-5.2-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 11. ~~After December 31, 2004,~~ If more than one (1) food establishment operated by the same individual is located on the same property or on contiguous properties, only one (1) certified food ~~handler~~ **protection manager** is required for the food establishments.

SECTION 25. IC 16-42-5.2-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 12. **(a)** ~~After December 31, 2004,~~ An individual who violates any of the provisions of this chapter **before July 1, 2020,** is subject to the penalties prescribed by

the executive board under section 13 of this chapter. **This subsection expires January 1, 2021.**

(b) After June 30, 2020, a person that violates section 7.1(b) of this chapter is subject to a civil penalty not to exceed fifty dollars ($50) per day per violation.

(c) After June 30, 2020, a person that violates section 7.1(a)(1), 7.5, 8, 8.5, 9, or 10 of this chapter is subject to a civil penalty not to exceed one hundred dollars ($100) per day per violation.

SECTION 26. IC 16-42-5.2-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 13. ~~Not later than December 31, 2003,~~ The executive board ~~shall~~ **may** adopt rules under IC 4-22-2 establishing standards for:

(1) the administration of this chapter; and

(2) the imposition of penalties for violations of this chapter.

SECTION 27. IC 16-42-5.2-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 14. This chapter does not limit the authority of a corporation or local health department to ~~license~~ **require a permit for** retail food establishments.

SECTION 28. IC 16-42-5.2-16 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 16. (a) Except for an individual whose certification expires on July 1, 2020, an individual who was a certified food handler on June 30, 2020, is considered a certified food protection manager on July 1, 2020.**

(b) This section expires June 30, 2021.

SECTION 29. IC 35-52-16-9.7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 9.7. IC 16-27-1-12 defines a crime concerning home health agencies.**

SECTION 30. **An emergency is declared for this act.**

P.L.46-2020
[H.1218. Approved March 14, 2020.]

AN ACT to amend the Indiana Code concerning utilities.

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

SECTION 1. IC 8-1-26-18.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 18.5. (a) This section applies to any new or replacement underground facility that an operator installs or causes to be installed after June 30, 2020, in any public right-of-way or on any private property.**

(b) Subject to any other applicable federal or state laws or regulations, for any new or replacement underground facility that an operator installs or causes to be installed, the operator shall ensure that:

(1) the materials from which the facility is constructed are capable of being detected from above ground level using standard equipment and technologies used by the utility locating industry, such as electromagnetic locating equipment and electromagnetic induction surveys; or

(2) if the materials from which the facility is constructed are not capable of being detected from above ground level using standard locating techniques, as described in subdivision (1), the facility is:

(A) encased by conductive material; or

(B) equipped with an electrically conducting wire or other means of locating the facility while it is underground.

(c) The commission may adopt rules under IC 4-22-2 to implement this section, including emergency rules in the manner provided under IC 4-22-2-37.1. Notwithstanding IC 4-22-2-37.1(g), an emergency rule adopted by the commission under this subsection and in the manner provided under IC 4-22-2-37.1

expires on the date on which a rule that supersedes the emergency rule is adopted by the commission under IC 4-22-2-24 through IC 4-22-2-36.

SECTION 2. **An emergency is declared for this act.**

P.L.47-2020
[H.1301. Approved March 14, 2020.]

AN ACT to amend the Indiana Code concerning labor and safety.

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

SECTION 1. IC 22-1-7 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]:

Chapter 7. Motor Carriers

Sec. 1. As used in this chapter, "motor carrier" has the meaning set forth in IC 8-2.1-17-10 or 49 U.S.C. 13102(14).

Sec. 2. (a) As used in this section, "motor carrier safety improvement" means any device, equipment, software, technology, procedure, training, policy, program, or operational practice intended and primarily used to improve or facilitate:

(1) compliance with traffic safety or motor carrier safety laws;

(2) safety of a motor vehicle;

(3) safety of the operator of a motor vehicle; or

(4) safety of third party users of a public highway (as defined in IC 8-2.1-17-14).

(b) The deployment, implementation, or use of a motor carrier safety improvement by, or as required by, a motor carrier or its related entity, including by a contract, shall not be considered

when evaluating an individual's status as an employee, independent contractor, or jointly employed employee under any state law.

P.L.48-2020
[H.1346. Approved March 14, 2020.]

AN ACT to amend the Indiana Code concerning corrections.

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

SECTION 1. IC 5-2-6-3, AS AMENDED BY P.L.239-2019, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. The institute is established to do the following:

(1) Evaluate state and local programs associated with:
  (A) the prevention, detection, and solution of criminal offenses;
  (B) law enforcement; and
  (C) the administration of criminal and juvenile justice.
(2) Participate in statewide collaborative efforts to improve all aspects of law enforcement, juvenile justice, and criminal justice in this state.
(3) Stimulate criminal and juvenile justice research.
(4) Develop new methods for the prevention and reduction of crime.
(5) Prepare applications for funds under the Omnibus Act and the Juvenile Justice Act.
(6) Administer victim and witness assistance funds.
(7) Administer the traffic safety functions assigned to the institute under IC 9-27-2.
(8) Compile and analyze information and disseminate the information to persons who make criminal justice decisions in this state.

(9) Serve as the criminal justice statistical analysis center for this state.

(10) Identify grants and other funds that can be used by the department of correction to carry out its responsibilities concerning sex or violent offender registration under IC 11-8-8.

(11) Administer the application and approval process for designating an area of a consolidated or second class city as a public safety improvement area under IC 36-8-19.5.

(12) Administer funds for the support of any sexual offense services.

(13) Administer funds for the support of domestic violence programs.

(14) Administer funds to support assistance to victims of human sexual trafficking offenses as provided in IC 35-42-3.5-4.

(15) Administer the domestic violence prevention and treatment fund under IC 5-2-6.7.

(16) Administer the family violence and victim assistance fund under IC 5-2-6.8.

(17) Monitor and evaluate criminal code reform under IC 5-2-6-24.

(18) Administer the enhanced enforcement drug mitigation area fund and pilot program established under IC 5-2-11.5.

(19) Administer the ignition interlock inspection account established under IC 9-30-8-7.

(20) Identify any federal, state, or local grants that can be used to assist in the funding and operation of regional holding facilities under IC 11-12-6.5.

(21) Coordinate with state and local criminal justice agencies for the collection and transfer of data from sheriffs concerning jail:

(A) populations; and

(B) statistics;

for the purpose of providing jail data to the management performance hub established by IC 4-3-26-8.

SECTION 2. IC 11-12-6.8 IS REPEALED [EFFECTIVE UPON PASSAGE]. (County Jail Overcrowding Task Force).

SECTION 3. IC 33-38-9.5-2, AS AMENDED BY P.L.108-2019, SECTION 240, IS AMENDED TO READ AS FOLLOWS

[EFFECTIVE UPON PASSAGE]: Sec. 2. (a) The justice reinvestment advisory council is established. The advisory council consists of the following members:

(1) The executive director of the Indiana public defender council or the executive director's designee.

(2) The executive director of the Indiana prosecuting attorneys council or the executive director's designee.

(3) The director of the division of mental health and addiction or the director's designee.

(4) The president of the Indiana Sheriffs' Association or the president's designee.

(5) The commissioner of the Indiana department of correction or the commissioner's designee.

(6) The chief administrative officer of the office of judicial administration or the chief administrative officer's designee.

(7) The executive director of the Indiana criminal justice institute or the executive director's designee.

(8) The president of the Indiana Association of Community Corrections Act Counties or the president's designee.

(9) The president of the Probation Officers Professional Association of Indiana or the president's designee.

(10) The budget director or the budget director's designee.

(11) The executive director of the Association of Indiana Counties or the executive director's designee.

(12) The president of the Indiana Judges Association or the president's designee.

(13) The chair of the Indiana public defender commission or the chair's designee.

(14) The chair of the senate corrections and criminal law committee or the chair's designee.

(15) The ranking minority member of the senate corrections and criminal law committee or the ranking minority member's designee.

(16) The chair of the house courts and criminal code committee or the chair's designee.

(17) The ranking minority member of the house courts and criminal code committee or the ranking minority member's designee.

(18) The governor or the governor's designee.

(b) The ~~chief administrative officer of the office of judicial administration~~ **chief justice or the chief justice's designee** shall serve as chairperson of the advisory council.

(c) The ~~purpose~~ **duties** of the advisory council ~~is to conduct a state level review and evaluation of:~~ **include:**

(1) **reviewing and evaluating state and** local **criminal justice systems and** corrections programs, including **pretrial services, behavioral health treatment and recovery services,** community corrections, county jails, **parole,** and probation services; ~~and~~

(2) **reviewing** the processes used by the department of correction and the division of mental health and addiction in awarding grants;

(3) reviewing and evaluating jail overcrowding to identify a range of possible solutions;

(4) coordinating with other criminal justice funding sources;

(5) establishing committees to inform the work of the advisory council; and

(6) performing other relevant duties as determined by the advisory council.

(d) The advisory council may make ~~a recommendation~~ **recommendations** to:

(1) the department of correction, community corrections advisory boards, and the division of mental health and addiction concerning the award of grants;

(2) criminal justice systems and corrections programs concerning best practices to improve outcomes of persons under supervision;

(3) the Indiana general assembly concerning legislation and funding for criminal justice initiatives;

(4) the Indiana criminal justice institute concerning criminal justice funding priorities;

(5) the office of judicial administration concerning veterans problem-solving court grants; and

(6) the county sheriffs concerning strategies to address jail overcrowding and implementing evidence based practices for reducing recidivism for individuals in county jails.

(e) The office of judicial administration shall staff the advisory council.

(f) The expenses of the advisory council shall be paid by the office of judicial administration from funds appropriated to the office of judicial administration for the administrative costs of the justice reinvestment advisory council.

(g) A member of the advisory council 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.

(h) The affirmative votes of a majority of the voting members appointed to the advisory council are required for the advisory council to take action on any measure.

(i) The advisory council shall meet as necessary to:

(1) work with the department of correction and the division of mental health and addiction to establish the grant criteria and grant reporting requirements described in subsection (l);

(2) review grant applications;

(3) make recommendations and provide feedback to the department of correction and the division of mental health and addiction concerning grants to be awarded;

(4) review grants awarded by the department of correction and the division of mental health and addiction; and

(5) suggest areas and programs in which the award of future grants might be beneficial.

(j) The advisory council, in conjunction with the Indiana criminal justice institute, shall jointly issue an annual report under IC 5-2-6-24.

(k) Any entity that receives funds:

(1) recommended by the advisory council; and

(2) appropriated by the department of correction;

for the purpose of providing additional treatment or supervision services shall provide the information described in subsection (l) to the department of correction to aid in the compilation of the report described in subsection (j).

(l) The department of correction shall provide the advisory council with the following information:

(1) The total number of participants, categorized by level of most serious offense, who were served by the entity through funds described in subsection (k).

(2) The percentage of participants, categorized by level of most serious offense, who completed a treatment program, service, or level of supervision.

(3) The percentage of participants, categorized by level of most serious offense, who were discharged from a treatment program, service, or level of supervision.

(4) The percentage of participants, categorized by level of most serious offense, who:

(A) completed a funded treatment program, service, or level of supervision; and

(B) were subsequently committed to the department of correction;

within twenty-four (24) months after completing the funded treatment program, service, or level of supervision.

(5) The percentage of participants, categorized by level of most serious offense, who were:

(A) discharged from a funded treatment program, service, or level of supervision; and

(B) subsequently committed to the department of correction;

within twenty-four (24) months after being discharged from the funded treatment program, service, or level of supervision.

(6) The total number of participants who completed a funded treatment program, service, or level of supervision.

(7) The total number of participants who:

(A) completed a funded treatment program, service, or level of supervision; and

(B) were legally employed.

(8) Any other information relevant to the funding of the entity as described in subsection (k).

SECTION 4. IC 33-38-9.5-3, AS ADDED BY P.L.179-2015, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. The ~~goal~~ **purpose** of the justice reinvestment advisory council is to ~~develop~~ ~~incarceration~~ **review**

policies, promote state and local collaboration, and provide assistance for use of evidence based practices and best practices in community based alternatives and recidivism reduction programs, ~~at the county and community level by promoting the development of:~~ **including:**

(1) probation services;

(2) problem solving courts;

(3) mental health **and addiction** treatment **and recovery services;**

~~(4) substance abuse treatment;~~

~~(5)~~ **(4)** programs providing for ~~court supervision, probation, or~~ pretrial diversion;

~~(6)~~ **(5)** community corrections;

~~(7)~~ **(6)** evidence based recidivism reduction programs for currently incarcerated persons; ~~and~~

~~(8)~~ **(7)** other ~~alternatives to incarceration.~~ **rehabilitation alternatives; and**

(8) the incorporation of evidence based decision making into decisions concerning jail overcrowding.

SECTION 5. **An emergency is declared for this act.**

P.L.49-2020
[S.1. Approved March 18, 2020.]

AN ACT to amend the Indiana Code concerning alcohol and tobacco.

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

SECTION 1. IC 7.1-1-3-25, AS AMENDED BY P.L.176-2015, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

JULY 1, 2020]: Sec. 25. ~~(a)~~ "Minor" ~~except as provided in subsection (b),~~ means a person less than twenty-one (21) years of age.

~~(b) "Minor", for purposes of IC 7.1-7, has the meaning set forth in IC 7.1-7-2-17.~~

SECTION 2. IC 7.1-2-3-33, AS AMENDED BY P.L.214-2016, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 33. The commission is authorized to:

(1) investigate a violation of; and

(2) enforce a penalty for a violation of;

IC 35-46-1-10, IC 35-46-1-10.2, IC 35-46-1-11, IC 35-46-1-11.2, **IC 35-46-1-11.4,** IC 35-46-1-11.5, IC 35-46-1-11.7, or IC 35-46-1-11.8.

SECTION 3. IC 7.1-3-18.5-2, AS AMENDED BY P.L.231-2015, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 2. (a) A person who desires a certificate must provide the following to the commission:

(1) The applicant's name and mailing address and the address of the premises for which the certificate is being issued.

(2) Except as provided in section 6(c) of this chapter, a fee of two hundred dollars ($200).

(3) The name under which the applicant transacts or intends to transact business.

(4) The address of the applicant's principal place of business or headquarters, if any.

(5) The statement required under section 2.6 of this chapter.

(b) A separate certificate is required for each location where the tobacco products or electronic cigarettes are sold or distributed.

(c) A certificate holder shall conspicuously display the holder's certificate on the holder's premises where the tobacco products or electronic cigarettes are sold or distributed.

(d) Any intentional misstatement or suppression of a material fact in an application filed under this section constitutes grounds for denial of the certificate.

(e) A certificate may be issued only to a person who meets the following requirements:

(1) If the person is an individual, the person must be at least ~~eighteen (18)~~ **twenty-one (21)** years of age.

(2) The person must be authorized to do business in Indiana.

(3) The person has not had an interest in a certificate revoked by the commission for that business location within the preceding one (1) year.

(f) The fees collected under this section shall be deposited in the enforcement and administration fund under IC 7.1-4-10.

SECTION 4. IC 7.1-3-18.5-5, AS AMENDED BY P.L.214-2016, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 5. (a) Subject to subsection (b), the commission may suspend the certificate of a person who fails to pay a civil penalty imposed for violating IC 35-46-1-10, IC 35-46-1-10.2, IC 35-46-1-11, IC 35-46-1-11.2, **IC 35-46-1-11.4,** IC 35-46-1-11.5, IC 35-46-1-11.7, or IC 35-46-1-11.8.

(b) Before enforcing the imposition of a civil penalty or suspending or revoking a certificate under this chapter, the commission shall provide written notice of the alleged violation to the certificate holder and conduct a hearing. The commission shall provide written notice of the civil penalty or suspension or revocation of a certificate to the certificate holder.

(c) Subject to subsection (b), the commission shall revoke the certificate of a person upon a finding by a preponderance of the evidence that the person:

(1) has violated IC 35-45-5-3, IC 35-45-5-3.5, IC 35-45-5-4, IC 35-46-1-11, IC 35-46-1-11.2, **IC 35-46-1-11.4,** or IC 35-46-1-11.8;

(2) has committed habitual illegal sale of tobacco as established under ~~IC 35-46-1-10.2(h);~~ **IC 35-46-1-10.2(j);** or

(3) has committed habitual illegal entrance by a minor as established under IC 35-46-1-11.7(f).

SECTION 5. IC 7.1-3-18.5-6, AS AMENDED BY P.L.214-2016, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 6. (a) If a certificate has:

(1) expired; or

(2) been suspended;

the commission may not reinstate or renew the certificate until all civil penalties imposed against the certificate holder for violating IC 35-46-1-10, IC 35-46-1-10.2, IC 35-46-1-11, IC 35-46-1-11.2, **IC 35-46-1-11.4,** IC 35-46-1-11.5, IC 35-46-1-11.7, or IC 35-46-1-11.8 have been paid.

(b) The failure to pay a civil penalty described in subsection (a) is a Class B infraction.

(c) If a certificate has been revoked, the commission may not reinstate or renew the certificate for at least one hundred eighty (180) days after the date of revocation. The commission may reinstate or renew the certificate only upon a reasonable showing by the applicant that the applicant shall:

(1) exercise due diligence in the sale of tobacco products or electronic cigarettes on the applicant's premises where the tobacco products or electronic cigarettes are sold or distributed; and

(2) properly supervise and train the applicant's employees or agents in the handling and sale of tobacco products or electronic cigarettes.

If a certificate is reinstated or renewed, the applicant of the certificate shall pay an application fee of one thousand dollars ($1,000).

(d) Notwithstanding IC 34-28-5-5(c), civil penalties collected under this section must be deposited in the youth tobacco education and enforcement fund established under IC 7.1-6-2-6.

SECTION 6. IC 7.1-3-18.5-8, AS AMENDED BY P.L.214-2016, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 8. The commission may mitigate civil penalties imposed against a certificate holder for violating IC 35-46-1-10, IC 35-46-1-10.2, IC 35-46-1-11, IC 35-46-1-11.2, **IC 35-46-1-11.4,** IC 35-46-1-11.5, IC 35-46-1-11.7, IC 35-46-1-11.8, or any of the provisions of this chapter if a certificate holder provides a training program for the certificate holder's employees that includes at least the following topics:

(1) Laws governing the sale of tobacco products and electronic cigarettes.

(2) Methods of recognizing and handling customers who are less than ~~eighteen (18)~~ **twenty-one (21)** years of age.

(3) Procedures for proper examination of identification cards to verify that customers are under ~~eighteen (18)~~ **twenty-one (21)** years of age.

SECTION 7. IC 7.1-3-18.5-9, AS AMENDED BY P.L.231-2015, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 9. A certificate holder shall exercise due diligence

in the supervision and training of the certificate holder's employees or agents in the handling and sale of tobacco products and electronic cigarettes on the holder's retail premises. Proof that employees or agents of the certificate holder, while in the scope of their employment, committed at least six (6) violations relating to ~~IC 35-46-1-10.2(a)~~ **IC 35-46-1-10.2(b)** in any one ~~hundred eighty (180) day~~ **(1) year** period shall be prima facie evidence of a lack of due diligence by the certificate holder in the supervision and training of the certificate holder's employees or agents.

SECTION 8. IC 7.1-5-12-5, AS AMENDED BY HEA 1210-2020, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 5. (a) Except as provided in subsection (c) and subject to section 13 of this chapter, smoking may be allowed in the following:

(1) A horse racing facility operated under a permit under IC 4-31-5 and any other permanent structure on land owned or leased by the owner of the facility that is adjacent to the facility.

(2) A riverboat (as defined in IC 4-33-2-17) and any other permanent structure that is:

(A) owned or leased by the owner of the riverboat; and

(B) located on land that is adjacent to:

(i) the dock to which the riverboat is moored; or

(ii) the land on which the riverboat is situated in the case of a riverboat described in IC 4-33-2-17(2).

(3) A facility that operates under a gambling game license under IC 4-35-5 and any other permanent structure on land owned or leased by the owner of the facility that is adjacent to the facility.

(4) A satellite facility licensed under IC 4-31-5.5.

(5) An establishment owned or leased by a business that meets the following requirements:

(A) The business was in business and permitted smoking on December 31, 2012.

(B) The business prohibits entry by an individual who is less than twenty-one (21) years of age.

(C) The owner or operator of the business holds a beer, liquor, or wine retailer's permit.

(D) The business limits smoking in the establishment to smoking with a waterpipe or hookah device.

(E) During the preceding calendar year, at least ten percent (10%) of the business's annual gross income was from the sale of loose tobacco for use in a waterpipe or hookah device.

(F) The person in charge of the business posts in the establishment conspicuous signs that display the message that cigarette smoking is prohibited.

(6) An establishment owned or leased by a business that meets the following requirements:

(A) The business prohibits entry by an individual who is less than twenty-one (21) years of age.

(B) The owner or operator of the business holds a beer, liquor, or wine retailer's permit.

(C) The business limits smoking in the establishment to cigar smoking.

(D) During the preceding calendar year, at least ten percent (10%) of the business's annual gross income was from the sale of cigars and the rental of onsite humidors.

(E) The person in charge of the business posts in the establishment conspicuous signs that display the message that cigarette smoking is prohibited.

(7) A premises owned or leased by and regularly used for the activities of a business that meets all of the following:

(A) The business is exempt from federal income taxation under 26 U.S.C. 501(c).

(B) The business:

(i) meets the requirements to be considered a club under IC 7.1-3-20-1; or

(ii) is a fraternal club (as defined in IC 7.1-3-20-7).

(C) The business provides food or alcoholic beverages only to its bona fide members and their guests.

(D) The business:

(i) provides a separate, enclosed, designated smoking room or area that is adequately ventilated to prevent migration of smoke to nonsmoking areas of the premises;

(ii) allows smoking only in the room or area described in item (i);

(iii) does not allow an individual who is less than ~~eighteen (18)~~ **twenty-one (21)** years of age to enter into the room or area described in item (i); and

(iv) allows a guest in the smoking room or area described in item (i) only when accompanied by a bona fide member of the business.

(8) A retail tobacco store used primarily for the sale of tobacco products and tobacco accessories that meets the following requirements:

(A) The owner or operator of the store holds a valid tobacco sales certificate issued under IC 7.1-3-18.5.

(B) The store prohibits entry by an individual who is less than ~~eighteen (18)~~ **twenty-one (21)** years of age.

(C) The sale of products other than tobacco products and tobacco accessories is merely incidental.

(D) The sale of tobacco products accounts for at least eighty-five percent (85%) of the store's annual gross sales.

(E) Food or beverages are not sold in a manner that requires consumption on the premises, and there is not an area set aside for customers to consume food or beverages on the premises.

(9) A bar or tavern:

(A) for which a permittee holds:

(i) a beer retailer's permit under IC 7.1-3-4;

(ii) a liquor retailer's permit under IC 7.1-3-9; or

(iii) a wine retailer's permit under IC 7.1-3-14;

(B) that does not employ an individual who is less than eighteen (18) years of age;

(C) that does not allow an individual who:

(i) is less than twenty-one (21) years of age; and

(ii) is not an employee of the bar or tavern;

to enter any area of the bar or tavern; and

(D) that is not located in a business that would otherwise be subject to this chapter.

(10) A cigar manufacturing facility that does not offer retail sales.

(11) A premises of a cigar specialty store to which all of the following apply:

(A) The owner or operator of the store holds a valid tobacco sales certificate issued under IC 7.1-3-18.5.

(B) The sale of tobacco products and tobacco accessories account for at least fifty percent (50%) of the store's annual gross sales.

(C) The store has a separate, enclosed, designated smoking room that is adequately ventilated to prevent migration of smoke to nonsmoking areas.

(D) Smoking is allowed only in the room described in clause (C).

(E) Individuals who are less than ~~eighteen (18)~~ **twenty-one (21)** years of age are prohibited from entering into the room described in clause (C).

(F) Cigarette smoking is not allowed on the premises of the store.

(G) The owner or operator of the store posts a conspicuous sign on the premises of the store that displays the message that cigarette smoking is prohibited.

(H) The store does not prepare any food or beverage that would require a certified food ~~handler~~ **protection manager** under IC 16-42-5.2.

(12) The premises of a business that is located in the business owner's private residence (as defined in IC 3-5-2-42.5) if the only employees of the business who work in the residence are the owner and other individuals who reside in the residence.

(b) The owner, operator, manager, or official in charge of an establishment or premises in which smoking is allowed under this section shall post conspicuous signs in the establishment that read "WARNING: Smoking Is Allowed In This Establishment" or other similar language.

(c) This section does not allow smoking in the following enclosed areas of an establishment or premises described in subsection (a)(1) through (a)(11):

(1) Any hallway, elevator, or other common area where an individual who is less than ~~eighteen (18)~~ **twenty-one (21)** years of age is permitted.

(2) Any room that is intended for use by an individual who is less than ~~eighteen (18)~~ **twenty-one (21)** years of age.

(d) The owner, operator, or manager of an establishment or premises that is listed under subsection (a) and that allows smoking shall provide

a verified statement to the commission that states that the establishment or premises qualifies for the exemption. The commission may require the owner, operator, or manager of an establishment or premises to provide documentation or additional information concerning the exemption of the establishment or premises.

SECTION 9. IC 7.1-6-2-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 2. The division of mental health and addiction established under IC 12-21 shall coordinate the conduct of random unannounced inspections at locations where tobacco products, **e-liquids, or electronic cigarettes** are sold or distributed to ensure compliance with this article. Only the commission, an Indiana law enforcement agency, the office of the sheriff of a county, or an organized police department of a municipal corporation may conduct the random unannounced inspections. These entities may use retired or off-duty law enforcement officers to conduct inspections under this section.

SECTION 10. IC 7.1-6-2-4, AS AMENDED BY P.L.20-2013, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 4. (a) An enforcement officer vested with full police powers and duties may engage a person less than ~~eighteen (18)~~ **twenty-one (21)** years of age as part of an enforcement action under this article if the initial or contemporaneous receipt or purchase of a tobacco product, **e-liquid,** or electronic cigarette by a person less than ~~eighteen (18)~~ **twenty-one (21)** years of age occurs under the direction of an enforcement officer vested with full police powers and duties and is part of the enforcement action.

(b) An enforcement officer vested with full police powers and duties shall not:

(1) recruit or attempt to recruit a person less than ~~eighteen (18)~~ **twenty-one (21)** years of age to participate in an enforcement action under subsection (a) at the scene of a violation of section 2 of this chapter; or

(2) allow a person less than ~~eighteen (18)~~ **twenty-one (21)** years of age to purchase or receive a tobacco product, **e-liquid,** or electronic cigarette as part of an enforcement action under subsection (a) without the written permission of the person's parents or legal guardians.

SECTION 11. IC 7.1-7-2-6.3, AS ADDED BY P.L.206-2017, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 6.3. "Delivery sale" means a sale of ~~e-liquids~~ **an e-liquid** to a purchaser in Indiana in which the purchaser submits the order for the sale:

(1) by telephone;

(2) over the Internet; or

(3) through the mail or another delivery system;

and the ~~e-liquids are~~ **e-liquid is** shipped through a delivery service. "Delivery sale" does not include a sale of ~~e-liquids~~ **an e-liquid** not for personal consumption to a person who is a retailer.

SECTION 12. IC 7.1-7-2-17 IS REPEALED [EFFECTIVE JULY 1, 2020]. ~~Sec. 17. "Minor" means an individual who is less than eighteen (18) years of age.~~

SECTION 13. IC 7.1-7-4-1, AS AMENDED BY P.L.206-2017, SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1. (a) A manufacturer of e-liquid may not mix, bottle, package, or sell e-liquid to retailers, consumers, or distributors in Indiana without a permit issued by the commission under this article.

(b) ~~All e-liquids~~ **An e-liquid** manufactured by an e-liquids manufacturer approved by the commission under this article before July 1, 2017, may be distributed and sold for retail until the expiration date of the ~~e-liquids.~~ **e-liquid.**

(c) A manufacturing permit issued by the commission is valid for five (5) years. A manufacturing permit issued by the commission under this article before July 1, 2017, does not expire before July 1, 2020.

(d) An initial application for a manufacturing permit must include the following:

(1) The name, telephone number, and address of the applicant.

(2) The name, telephone number, and address of the manufacturing facility.

(3) The name, telephone number, title, and address of the person responsible for the manufacturing facility.

(4) Verification that the facility will comply with applicable tobacco products good manufacturing practices promulgated under 21 U.S.C. 387f(e) of the federal Food, Drug, and Cosmetic Act.

(5) Verification that the manufacturer will comply with the applicable ingredient listing required by 21 U.S.C. 387d(a)(1) of the federal Food, Drug, and Cosmetic Act.

(6) Written consent allowing the state police department to conduct a state or national criminal history background check on any person listed on the application.

(7) A nonrefundable initial application fee of one thousand dollars ($1,000).

(e) The fees collected under subsection (d)(7) shall be deposited in the enforcement and administration fund established under IC 7.1-4-10.

SECTION 14. IC 7.1-7-5.5-1, AS ADDED BY P.L.206-2017, SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1. A retailer may not make a delivery sale of e-liquid to ~~a minor~~ **an individual who does not meet the minimum age requirement** as set forth in IC 7.1-7-6-5.

SECTION 15. IC 7.1-7-5.5-2, AS ADDED BY P.L.206-2017, SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 2. A retailer may not ship ~~e-liquids~~ **an e-liquid** without first making a good faith effort to verify the age of the purchaser of the ~~e-liquids~~ **e-liquid** as set forth in IC 7.1-7-6-6.

SECTION 16. IC 7.1-7-5.5-3, AS ADDED BY P.L.206-2017, SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 3. (a) Before ~~e-liquids are~~ **an e-liquid is** shipped in a delivery sale, a retailer must be fully paid for the purchase and shall accept payment from the purchaser:

(1) by a check drawn on an account in the purchaser's name;

(2) by a credit card issued in the purchaser's name; or

(3) by a debit card issued in the purchaser's name.

(b) A retailer may ship ~~e-liquids~~ **an e-liquid** only to a purchaser.

SECTION 17. IC 7.1-7-5.5-5, AS ADDED BY P.L.206-2017, SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 5. A retailer who ships ~~e-liquids~~ **an e-liquid** from a delivery sale order shall include as part of the shipping documents a document with the following statement: "E-LIQUIDS: Indiana law prohibits the sale of this product to a person who is less than ~~18~~ **21** years of age.".

SECTION 18. IC 7.1-7-6-2 IS REPEALED [EFFECTIVE JULY 1, 2020]. ~~Sec. 2. (a) This subsection does not apply to a delivery sale as defined in IC 7.1-7-2-6.3. If a retailer:~~

~~(1) knowingly and intentionally sells e-liquid to a minor; or~~

~~(2) knowingly, intentionally, or negligently fails to verify the age of a person who appears to be less than twenty-seven (27) years of age by checking a government issued identification and sells the person e-liquid;~~

~~the retailer commits a Class C infraction. For a sale to take place under this section, the buyer must pay the retail establishment for the e-liquid.~~

~~(b) Notwithstanding IC 34-28-5-4(c), a civil judgment for an infraction committed under this section must be imposed as follows:~~

~~(1) If the retail establishment at that specific business location has not been issued a citation or summons for a violation of this section in the previous one hundred eighty (180) days, a civil penalty of up to two hundred dollars ($200).~~

~~(2) If the retail establishment at that specific business location has had one (1) citation or summons issued for a violation of this section in the previous one hundred eighty (180) days, a civil penalty of up to four hundred dollars ($400).~~

~~(3) If the retail establishment at that specific business location has had two (2) citations or summonses issued for a violation of this section in the previous one hundred eighty (180) days, a civil penalty of up to seven hundred dollars ($700).~~

~~(4) If the retail establishment at that specific business location has had three (3) or more citations or summonses issued for a violation of this section in the previous one hundred eighty (180) days, a civil penalty of up to one thousand dollars ($1,000).~~

~~A retail establishment may not be issued a citation or summons for a violation of this section more than once every twenty-four (24) hours for each specific business location.~~

~~(c) It is not a defense that the person to whom e-liquid was sold or distributed did not inhale or otherwise consume e-liquid.~~

~~(d) The following defenses are available to a retail establishment accused of selling or distributing e-liquid to a person who is less than eighteen (18) years of age:~~

~~(1) The buyer or recipient produced a driver's license bearing the purchaser's or recipient's photograph showing that the purchaser or recipient was of legal age to make the purchase.~~

~~(2) The buyer or recipient produced a photographic identification card issued under IC 9-24-16-1 or a similar card issued under the laws of another state or the federal government showing that the purchaser or recipient was of legal age to make the purchase.~~

~~(3) The appearance of the purchaser or recipient was such that an ordinary prudent person would believe that the purchaser or recipient was not less than the age that complies with regulations promulgated by the federal Food and Drug Administration.~~

~~(e) It is a defense that the accused retail establishment sold or delivered e-liquid to a person who acted in the ordinary course of employment or a business concerning e-liquid:~~

~~(1) agriculture;~~

~~(2) processing;~~

~~(3) transporting;~~

~~(4) wholesaling; or~~

~~(5) retailing.~~

~~(f) As used in this section, "distribute" means to give e-liquid to another person as a means of promoting, advertising, or marketing e-liquid to the general public.~~

~~(g) Unless a person buys or receives e-liquid under the direction of a law enforcement officer as part of an enforcement action, a retail establishment that sells or distributes e-liquid is not liable for a violation of this section unless the person less than eighteen (18) years of age who bought or received the e-liquid is issued a citation or summons in violation of this article.~~

~~(h) Notwithstanding IC 34-28-5-5(c), civil penalties collected under this section must be deposited in the Richard D. Doyle youth tobacco education and enforcement fund (IC 7.1-6-2-6).~~

~~(i) A person who violates subsection (a) at least six (6) times in any one hundred eighty (180) day period commits habitual illegal sale of e-liquid, a Class B infraction.~~

SECTION 19. IC 7.1-7-6-2.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 2.1. A person who sells or**

distributes an e-liquid to a person less than twenty-one (21) years of age may be in violation of IC 35-46-1.

SECTION 20. IC 7.1-7-6-5, AS ADDED BY P.L.206-2017, SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 5. A person who knowingly or intentionally makes a delivery sale of ~~e-liquids~~ **an e-liquid** to ~~a minor~~ **an individual who is less than twenty-one (21) years of age** commits a Class C infraction.

SECTION 21. IC 7.1-7-6-6, AS ADDED BY P.L.206-2017, SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 6. (a) As used in this section, "good faith effort to verify the age of ~~a~~ **the** purchaser of ~~e-liquids"~~ **the e-liquid"** means:

(1) verifying the age of the purchaser in a commercially available database; or

(2) obtaining a photocopy of a government issued identification; that indicates the birth date or age of the purchaser.

(b) A person who knowingly or intentionally ships ~~e-liquids~~ **an e-liquid** without first making a good faith effort to verify the age of the purchaser of the ~~e-liquids~~ **e-liquid** commits a Class C infraction.

SECTION 22. IC 24-3-5-4, AS AMENDED BY P.L.160-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 4. Subject to section 4.5 of this chapter, a merchant may not mail or ship cigarettes as part of a delivery sale unless, before mailing or shipping the cigarettes, the merchant:

(1) obtains from the prospective customer a written statement signed by the prospective customer under penalty of perjury:

(A) providing the prospective customer's address and date of birth;

(B) advising the prospective customer that:

(i) signing another person's name to the statement required under this subdivision may subject the person to a civil monetary penalty of not more than one thousand dollars ($1,000); and

(ii) purchasing cigarettes by a person less than ~~eighteen (18)~~ **twenty-one (21)** years of age is a Class C infraction under IC 35-46-1-10.5;

(C) confirming that the cigarette order was placed by the prospective customer;

(D) providing a warning under 15 U.S.C. 1333(a)(1); and

(E) stating the sale of cigarettes by delivery sale is a taxable event for purposes of IC 6-7-1;

(2) makes a good faith effort to verify the information in the written statement obtained under subdivision (1) by using a federal or commercially available data base; and

(3) receives payment for the delivery sale by a credit or debit card issued in the name of the prospective purchaser.

SECTION 23. IC 24-3-5-5, AS AMENDED BY P.L.160-2005, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 5. (a) A merchant who mails or ships cigarettes as part of a delivery sale shall:

(1) use a mailing or shipping service that requires the customer or a person at least ~~eighteen (18)~~ **twenty-one (21)** years of age who is designated by the customer to:

(A) sign to accept delivery of the cigarettes; and

(B) present a valid operator's license issued under IC 9-24-3 or an identification card issued under IC 9-24-16 if the customer or the customer's designee, in the opinion of the delivery agent or employee of the mailing or shipping service, appears to be less than ~~twenty-seven (27)~~ **thirty (30)** years of age;

(2) provide to the mailing or shipping service used under subdivision (1) proof of compliance with section 6(a) of this chapter; and

(3) include the following statement in bold type or capital letters on an invoice or shipping document:

INDIANA LAW PROHIBITS THE MAILING OR SHIPPING OF CIGARETTES TO A PERSON LESS THAN ~~EIGHTEEN (18)~~ **TWENTY-ONE (21)** YEARS OF AGE AND REQUIRES PAYMENT OF ALL APPLICABLE TAXES.

(b) The commission may impose a civil penalty of not more than one thousand dollars ($1,000) if a mailing or shipping service:

(1) delivers cigarettes as part of a delivery sale without first receiving proof from the merchant of compliance with section 6(a) of this chapter; or

(2) fails to obtain a signature and proof of identification of the customer or the customer's designee under subsection (a)(1).

The commission shall deposit amounts collected under this subsection into the **Richard D. Doyle** youth tobacco education and enforcement fund established by IC 7.1-6-2-6.

(c) The following apply to a merchant that mails or ships cigarettes as part of a delivery sale without using a third party service as required by subsection (a)(1):

(1) The merchant shall require the customer or a person at least ~~eighteen (18)~~ **twenty-one (21)** years of age who is designated by the customer to:

(A) sign to accept delivery of the cigarettes; and

(B) present a valid operator's license issued under IC 9-24-3 or identification card issued under IC 9-24-16 if the customer or the customer's designee, in the opinion of the merchant or the merchant's employee making the delivery, appears to be less than ~~twenty-seven (27)~~ **thirty (30)** years of age.

(2) The commission may impose a civil penalty of not more than one thousand dollars ($1,000) if the merchant:

(A) delivers the cigarettes without first complying with section 6(a) of this chapter; or

(B) fails to obtain a signature and proof of identification of the customer or the customer's designee under subdivision (1).

The commission shall deposit amounts collected under this subdivision into the **Richard D. Doyle** youth tobacco education and enforcement fund established by IC 7.1-6-2-6.

SECTION 24. IC 24-3-5-8, AS AMENDED BY P.L.160-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 8. The commission may impose a civil penalty of not more one thousand dollars ($1,000) on a:

(1) customer who signs another person's name to a statement required under section 4(1) of this chapter; or

(2) merchant who sells cigarettes by delivery sale to a person less than ~~eighteen (18)~~ **twenty-one (21)** years of age.

The commission shall deposit amounts collected under this section into the **Richard D. Doyle** youth tobacco education and enforcement fund established by IC 7.1-6-2-6.

SECTION 25. IC 35-31.5-2-100, AS AMENDED BY P.L.185-2019, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

JULY 1, 2020]: Sec. 100. (a) "Distribute", for purposes of IC 35-45-4-8, has the meaning set forth in IC 35-45-4-8.

(b) "Distribute", for purposes of IC 35-46-1-10, has the meaning set forth in ~~IC 35-46-1-10(e).~~ **IC 35-46-1-10(f).**

(c) "Distribute", for purposes of IC 35-46-1-10.2, has the meaning set forth in ~~IC 35-46-1-10.2(e).~~ **IC 35-46-1-10.2(g).**

(d) "Distribute", for purposes of IC 35-47.5, has the meaning set forth in IC 35-47.5-2-6.

(e) "Distribute", for purposes of IC 35-48, has the meaning set forth in IC 35-48-1-14.

(f) "Distribute", for purposes of IC 35-49, has the meaning set forth in IC 35-49-1-2.

SECTION 26. IC 35-31.5-2-107.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 107.5. "E-liquid", for purposes of IC 35-46-1, has the meaning set forth in IC 35-46-1-1.4.**

SECTION 27. IC 35-43-5-3.8, AS AMENDED BY P.L.158-2013, SECTION 473, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 3.8. (a) A person who knowingly or intentionally obtains, possesses, transfers, or uses the synthetic identifying information:

(1) with intent to harm or defraud another person;

(2) with intent to assume another person's identity; or

(3) with intent to profess to be another person;

commits synthetic identity deception, a Level 6 felony.

(b) The offense under subsection (a) is a Level 5 felony if:

(1) a person obtains, possesses, transfers, or uses the synthetic identifying information of more than one hundred (100) persons; or

(2) the fair market value of the fraud or harm caused by the offense is at least fifty thousand dollars ($50,000).

(c) The conduct prohibited in subsections (a) and (b) does not apply to:

(1) a person less than twenty-one (21) years of age who uses the synthetic identifying information of another person to acquire:

(A) an alcoholic beverage (as defined in IC 7.1-1-3-5); or

(B) a cigarette, e-liquid, or tobacco product (as defined in IC 6-7-2-5); or

(2) a minor (as defined in IC 35-49-1-4) who uses the synthetic identifying information of another person to acquire:

~~(A) a cigarette or tobacco product (as defined in IC 6-7-2-5);~~

~~(B)~~ **(A)** a periodical, a videotape, or other communication medium that contains or depicts nudity (as defined in IC 35-49-1-5);

~~(C)~~ **(B)** admittance to a performance (live or on film) that prohibits the attendance of the minor based on age; or

~~(D)~~ **(C)** an item that is prohibited by law for use or consumption by a minor.

(d) It is not a defense in a prosecution under subsection (a) or (b) that no person was harmed or defrauded.

SECTION 28. IC 35-46-1-1, AS AMENDED BY P.L.99-2007, SECTION 210, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1. As used in this chapter:

"Dependent" means:

(1) an unemancipated person who is under eighteen (18) years of age; or

(2) a person of any age who has a mental or physical disability.

"Endangered adult" has the meaning set forth in IC 12-10-3-2.

"Support" means food, clothing, shelter, or medical care.

"Tobacco and vaping business" means a sole proprietorship, partnership, or other enterprise in which:

(1) the primary activity is the sale of:

(A) e-liquids;

(B) e-liquid accessories;

(C) electronic cigarettes;

(D) tobacco;

(E) tobacco products;

(F) tobacco accessories; or

(G) any combination of the products listed in clauses (A) through (F); and

(2) the sale of other products is incidental.

"Tobacco business" means a sole proprietorship, corporation, partnership, or other enterprise in which:

(1) the primary activity is the sale of tobacco, tobacco products, and tobacco accessories; and

(2) the sale of other products is incidental.

SECTION 29. IC 35-46-1-1.4 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 1.4. As used in this chapter, "e-liquid" has the meaning set forth in IC 7.1-7-2-10.**

SECTION 30. IC 35-46-1-10, AS AMENDED BY P.L.20-2013, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 10. (a) **A person may not be charged with a violation under this section and a violation under IC 7.1-7-6-5.**

(b) A person who knowingly:

(1) sells or distributes tobacco, **an e-liquid,** or an electronic cigarette to a person less than ~~eighteen (18)~~ **twenty-one (21)** years of age; or

(2) purchases tobacco, **an e-liquid,** or an electronic cigarette for delivery to another person who is less than ~~eighteen (18)~~ **twenty-one (21)** years of age;

commits a Class C infraction. For a sale to take place under this section, the buyer must pay the seller for the tobacco product, **the e-liquid,** or the electronic cigarette.

~~(b)~~ **(c)** It is not a defense that the person to whom the tobacco, **the e-liquid,** or electronic cigarette was sold or distributed did not smoke, chew, inhale, or otherwise consume the tobacco, **e-liquid,** or the electronic cigarette.

~~(c)~~ **(d)** The following defenses are available to a person accused of selling or distributing tobacco, **an e-liquid,** or an electronic cigarette to a person who is less than ~~eighteen (18)~~ **twenty-one (21)** years of age:

(1) The buyer or recipient produced a driver's license bearing the purchaser's or recipient's photograph, showing that the purchaser or recipient was of legal age to make the purchase.

(2) The buyer or recipient produced a photographic identification card issued under IC 9-24-16-1, or a similar card issued under the laws of another state or the federal government, showing that the purchaser or recipient was of legal age to make the purchase.

(3) The appearance of the purchaser or recipient was such that an ordinary prudent person would believe that the purchaser or recipient was not less than ~~the age that complies with regulations~~ **thirty (30) years of age.** ~~promulgated by the federal Food and Drug Administration.~~

~~(d)~~ **(e)** It is a defense that the accused person sold or delivered the tobacco, **e-liquid,** or electronic cigarette to a person who acted in the ordinary course of employment or a business concerning tobacco, **an e-liquid,** or electronic cigarettes **including the following activities:**

(1) Agriculture.

(2) Processing.

(3) Transporting.

(4) Wholesaling. ~~or~~

(5) Retailing.

~~(e)~~ **(f)** As used in this section, "distribute" means to give tobacco, **an e-liquid,** or an electronic cigarette to another person as a means of promoting, advertising, or marketing the tobacco, **e-liquid,** or electronic cigarette to the general public.

~~(f)~~ **(g)** Unless the person buys or receives tobacco, **an e-liquid,** or an electronic cigarette under the direction of a law enforcement officer as part of an enforcement action, a person who sells or distributes tobacco, **an e-liquid,** or an electronic cigarette is not liable for a violation of this section unless the person less than ~~eighteen (18)~~ **twenty-one (21)** years of age who bought or received the tobacco, **e-liquid,** or electronic cigarette is issued a citation or summons under section 10.5 of this chapter.

~~(g)~~ **(h)** Notwithstanding IC 34-28-5-5(c), civil penalties collected under this section must be deposited in the Richard D. Doyle youth tobacco education and enforcement fund (IC 7.1-6-2-6).

SECTION 31. IC 35-46-1-10.2, AS AMENDED BY P.L.20-2013, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 10.2. (a) **A person may not be charged with a violation under this section and a violation under IC 7.1-7-6-5.**

(b) A retail establishment that sells or distributes tobacco, **an e-liquid,** or an electronic cigarette to a person less than ~~eighteen (18)~~ **twenty-one (21)** years of age commits a Class C infraction. For a sale to take place under this section, the buyer must pay the retail establishment for the tobacco product, **an e-liquid,** or electronic cigarette.

(c) Notwithstanding IC 34-28-5-4(c), a civil judgment for an infraction committed under this section must be imposed as follows:

(1) If the retail establishment at that specific business location has not been issued a citation or summons for a violation of this

section in the previous one ~~hundred eighty (180) days,~~ **(1) year,** a civil penalty of up to ~~two~~ **four** hundred dollars ~~($200).~~ **($400).**

(2) If the retail establishment at that specific business location has had one (1) citation or summons issued for a violation of this section in the previous one ~~hundred eighty (180) days,~~ **(1) year,** a civil penalty of up to ~~four~~ **eight** hundred dollars ~~($400).~~ **($800).**

(3) If the retail establishment at that specific business location has had two (2) citations or summonses issued for a violation of this section in the previous one ~~hundred eighty (180) days,~~ **(1) year,** a civil penalty of up to ~~seven~~ **one thousand four** hundred dollars ~~($700).~~ **($1,400).**

(4) If the retail establishment at that specific business location has had three (3) or more citations or summonses issued for a violation of this section in the previous one ~~hundred eighty (180) days,~~ **(1) year,** a civil penalty of up to ~~one~~ **two** thousand dollars ~~($1,000).~~ **($2,000).**

A retail establishment may not be issued a citation or summons for a violation of this section more than once every twenty-four (24) hours for each specific business location.

~~(b)~~ **(d)** It is not a defense that the person to whom the tobacco, **an e-liquid,** or electronic cigarette was sold or distributed did not smoke, chew, inhale, or otherwise consume the tobacco, **e-liquid,** or electronic cigarette.

~~(c)~~ **(e)** The following defenses are available to a retail establishment accused of selling or distributing tobacco, **an e-liquid,** or an electronic cigarette to a person who is less than ~~eighteen (18)~~ **twenty-one (21)** years of age:

(1) The buyer or recipient produced a driver's license bearing the purchaser's or recipient's photograph showing that the purchaser or recipient was of legal age to make the purchase.

(2) The buyer or recipient produced a photographic identification card issued under IC 9-24-16-1 or a similar card issued under the laws of another state or the federal government showing that the purchaser or recipient was of legal age to make the purchase.

(3) The appearance of the purchaser or recipient was such that an ordinary prudent person would believe that the purchaser or recipient was not less than ~~the age that complies with regulations~~

thirty (30) years of age. ~~promulgated by the federal Food and Drug Administration.~~

~~(d)~~ **(f)** It is a defense that the accused retail establishment sold or delivered the tobacco, **e-liquid,** or electronic cigarette to a person who acted in the ordinary course of employment or a business concerning tobacco, **an e-liquid,** or electronic cigarettes **for the following activities:**

(1) Agriculture.

(2) Processing.

(3) Transporting.

(4) Wholesaling. ~~or~~

(5) Retailing.

~~(e)~~ **(g)** As used in this section, "distribute" means to give tobacco, **an e-liquid,** or an electronic cigarette to another person as a means of promoting, advertising, or marketing the tobacco or electronic cigarette to the general public.

~~(f)~~ **(h)** Unless a person buys or receives tobacco, **an e-liquid,** or an electronic cigarette under the direction of a law enforcement officer as part of an enforcement action, a retail establishment that sells or distributes tobacco, **an e-liquid,** or an electronic cigarette is not liable for a violation of this section unless the person less than ~~eighteen (18)~~ **twenty-one (21)** years of age who bought or received the tobacco, **an e-liquid,** or electronic cigarette is issued a citation or summons under section 10.5 of this chapter.

~~(g)~~ **(i)** Notwithstanding IC 34-28-5-5(c), civil penalties collected under this section must be deposited in the Richard D. Doyle youth tobacco education and enforcement fund (IC 7.1-6-2-6).

~~(h)~~ **(j)** A person who violates subsection ~~(a)~~ **(b)** at least six (6) times in any one ~~hundred eighty (180) day period~~ **(1) year** commits habitual illegal sale of tobacco, a Class B infraction.

SECTION 32. IC 35-46-1-10.5, AS AMENDED BY P.L.20-2013, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 10.5. (a) A person less than ~~eighteen (18)~~ **twenty-one (21)** years of age who:

(1) purchases tobacco, **an e-liquid,** or an electronic cigarette;

(2) accepts tobacco, **an e-liquid,** or an electronic cigarette for personal use; or

(3) possesses tobacco, **an e-liquid,** or an electronic cigarette on ~~his~~ **the person's** person;

commits a Class C infraction.

(b) It is a defense under subsection (a) that the accused person acted in the ordinary course of employment in a business concerning tobacco, **an e-liquid,** or **an** electronic ~~cigarettes.~~ **cigarette for the following activities:**

(1) Agriculture.

(2) Processing.

(3) Transporting.

(4) Wholesaling. ~~or~~

(5) Retailing.

SECTION 33. IC 35-46-1-11, AS AMENDED BY P.L.20-2013, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 11. (a) A tobacco or electronic cigarette vending machine that is located in a public place must bear the following conspicuous notices:

(1) A notice:

(A) that reads as follows, with the capitalization indicated: "If you are under ~~18~~ **21** years of age, YOU ARE FORBIDDEN by Indiana law to buy tobacco or electronic cigarettes from this machine."; or

(B) that:

(i) conveys a message substantially similar to the message described in clause (A); and

(ii) is formatted with words and in a form authorized under the rules adopted by the alcohol and tobacco commission.

(2) A notice that reads as follows, "Smoking by Pregnant Women May Result in Fetal Injury, Premature Birth, and Low Birth Weight.".

(3) A notice printed in letters and numbers at least one-half (1/2) inch high that displays a toll free phone number for assistance to callers in quitting smoking, as determined by the state department of health.

(b) A person who owns or has control over a tobacco or electronic cigarette vending machine in a public place and who:

(1) fails to post a notice required by subsection (a) on the vending machine; or

(2) fails to replace a notice within one (1) month after it is removed or defaced;

commits a Class C infraction.

(c) An establishment selling tobacco or electronic cigarettes at retail shall post and maintain in a conspicuous place, at the point of sale, the following:

(1) Signs printed in letters at least one-half (1/2) inch high, reading as follows:

(A) "The sale of tobacco or electronic cigarettes to persons under ~~18~~ **21** years of age is forbidden by Indiana law.".

(B) "Smoking by Pregnant Women May Result in Fetal Injury, Premature Birth, and Low Birth Weight.".

(2) A sign printed in letters and numbers at least one-half (1/2) inch high that displays a toll free phone number for assistance to callers in quitting smoking, as determined by the state department of health.

(d) A person who:

(1) owns or has control over an establishment selling tobacco or electronic cigarettes at retail; and

(2) fails to post and maintain the sign required by subsection (c);

commits a Class C infraction.

SECTION 34. IC 35-46-1-11.2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 11.2. (a) This section does not apply to a tobacco business:

(1) operating as a tobacco business before April 1, 1996; ~~or~~

(2) that ~~begins~~ **began** operating as a tobacco business after April 1, 1996, if at the time the tobacco business ~~begins operation~~ **began operating** the tobacco business ~~is~~ **was** not located in an area prohibited under this section; **or**

(3) that began operating after June 30, 2020.

(b) A person may not operate a tobacco business within two hundred (200) feet of a public or private elementary or secondary school, as measured between the nearest point of the premises occupied by the tobacco business and the nearest point of a building used by the school for instructional purposes.

(c) A person who violates this section commits a Class C misdemeanor.

SECTION 35. IC 35-46-1-11.4 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 11.4. (a) This section does not apply to a tobacco and vaping business:**

(1) operating as a tobacco and vaping business before July 1, 2020; or

(2) that began operating as a tobacco and vaping business after June 30, 2020, if at the time the tobacco and vaping business began operating the tobacco and vaping business was not located in an area prohibited under this section.

(b) A person may not operate a tobacco and vaping business within one thousand (1,000) feet of a public or private elementary or secondary school, as measured between the nearest point of the premises occupied by the tobacco and vaping business and the nearest point of a building used by the school for instructional purposes.

(c) A person who violates this section commits a Class C misdemeanor.

SECTION 36. IC 35-46-1-11.5, AS AMENDED BY P.L.20-2013, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 11.5. (a) Except for a coin machine that is placed in or directly adjacent to an entranceway or an exit, or placed in a hallway, a restroom, or another common area that is accessible to persons who are less than ~~eighteen (18)~~ **twenty-one (21)** years of age, this section does not apply to a coin machine that is located in the following:

(1) That part of a licensed premises (as defined in IC 7.1-1-3-20) where entry is limited to persons who are at least ~~eighteen (18)~~ **twenty-one (21)** years of age.

(2) Private industrial or office locations that are customarily accessible only to persons who are at least ~~eighteen (18)~~ **twenty-one (21)** years of age.

(3) Private clubs if the membership is limited to persons who are at least ~~eighteen (18)~~ **twenty-one (21)** years of age.

(4) Riverboats where entry is limited to persons who are at least twenty-one (21) years of age and on which lawful gambling is authorized.

(b) As used in this section, "coin machine" has the meaning set forth in IC 35-43-5-1.

(c) Except as provided in subsection (a), an owner of a retail establishment may not:

(1) distribute or sell tobacco or electronic cigarettes by use of a coin machine; or

(2) install or maintain a coin machine that is intended to be used for the sale or distribution of tobacco or electronic cigarettes.

(d) An owner of a retail establishment who violates this section commits a Class C infraction. A citation or summons issued under this section must provide notice that the coin machine must be moved within two (2) business days. Notwithstanding IC 34-28-5-4(c), a civil judgment for an infraction committed under this section must be imposed as follows:

(1) If the owner of the retail establishment has not been issued a citation or summons for a violation of this section in the previous ninety (90) days, a civil penalty of fifty dollars ($50).

(2) If the owner of the retail establishment has had one (1) citation or summons issued for a violation of this section in the previous ninety (90) days, a civil penalty of two hundred fifty dollars ($250).

(3) If the owner of the retail establishment has had two (2) citations or summonses issued for a violation of this section in the previous ninety (90) days for the same machine, the coin machine shall be removed or impounded by a law enforcement officer having jurisdiction where the violation occurs.

An owner of a retail establishment may not be issued a citation or summons for a violation of this section more than once every two (2) business days for each business location.

(e) Notwithstanding IC 34-28-5-5(c), civil penalties collected under this section must be deposited in the Richard D. Doyle youth tobacco education and enforcement fund established under IC 7.1-6-2-6.

SECTION 37. IC 35-46-1-11.7, AS AMENDED BY P.L.94-2008, SECTION 64, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 11.7. (a) A retail establishment ~~that has as its~~ **in which tobacco products, electronic cigarettes, and e-liquids account for at least eighty-five percent (85%) of the retail establishment's gross sales** ~~primary purpose the sale of tobacco~~

~~products,~~ may not allow an individual who is less than ~~eighteen (18)~~ **twenty-one (21)** years of age to enter the retail establishment.

(b) An individual who is less than ~~eighteen (18)~~ **twenty-one (21)** years of age may not enter a retail establishment described in subsection (a).

(c) A retail establishment described in subsection (a) must conspicuously post on all entrances to the retail establishment the following:

(1) A sign in boldface type that states "NOTICE: It is unlawful for a person less than ~~18~~ **21** years old to enter this store.".

(2) A sign printed in letters and numbers at least one-half (1/2) inch high that displays a toll free phone number for assistance to callers in quitting smoking, as determined by the state department of health.

(d) A person who violates this section commits a Class C infraction. Notwithstanding IC 34-28-5-4(c), a civil judgment for an infraction committed under this section must be imposed as follows:

(1) If the person has not been cited for a violation of this section in the previous one ~~hundred eighty (180) days,~~ **(1) year,** a civil penalty of up to ~~two~~ **four** hundred dollars ~~($200).~~ **($400).**

(2) If the person has had one (1) violation in the previous one ~~hundred eighty (180) days,~~ **(1) year,** a civil penalty of up to ~~four~~ **eight** hundred dollars ~~($400).~~ **($800).**

(3) If the person has had two (2) violations in the previous one ~~hundred eighty (180) days,~~ **(1) year,** a civil penalty of up to ~~seven~~ **one thousand four** hundred dollars ~~($700).~~ **($1,400).**

(4) If the person has had three (3) or more violations in the previous one ~~hundred eighty (180) days,~~ **(1) year,** a civil penalty of up to ~~one~~ **two** thousand dollars ~~($1,000).~~ **($2,000).**

A person may not be cited more than once every twenty-four (24) hours.

(e) Notwithstanding IC 34-28-5-5(c), civil penalties collected under this section must be deposited in the Richard D. Doyle youth tobacco education and enforcement fund established under IC 7.1-6-2-6.

(f) A person who violates subsection (a) at least six (6) times in any one ~~hundred eighty (180) day~~ **(1) year** period commits habitual illegal entrance by a minor, a Class B infraction.

SECTION 38. IC 35-46-1-11.8, AS AMENDED BY P.L.20-2013, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 11.8. (a) As used in this section, "self-service display" means a display that contains tobacco or electronic cigarettes in an area where a customer:

(1) is permitted; and

(2) has access to the tobacco or electronic cigarettes without assistance from a sales person.

(b) This section does not apply to a self-service display located in a retail establishment: ~~that:~~

(1) ~~has a primary purpose to sell tobacco or electronic cigarettes;~~ **in which tobacco products, electronic cigarettes, and e-liquids account for at least eighty-five percent (85%) of the retail establishment's gross sales;** and

(2) **that** prohibits entry by persons who are less than ~~eighteen (18)~~ **twenty-one (21)** years of age.

(c) The owner of a retail establishment that sells or distributes tobacco or electronic cigarettes through a self-service display, other than a coin operated machine operated under IC 35-46-1-11 or IC 35-46-1-11.5, commits a Class C infraction.

(d) Notwithstanding IC 34-28-5-5(c), civil penalties collected under this section must be deposited in the Richard D. Doyle youth tobacco education and enforcement fund (IC 7.1-6-2-6).

SECTION 39. IC 35-46-1-11.9 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 11.9. A person who knowingly sells tobacco, an e-liquid, or an electronic cigarette that contains vitamin E acetate commits a Class B infraction.**

P.L.50-2020
[S.5. Approved March 18, 2020.]

AN ACT to amend the Indiana Code concerning insurance.

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

SECTION 1. IC 16-18-2-362.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 362.1. "Urgent care facility", for purposes of IC 16-24.5-1, has the meaning set forth in IC 16-24.5-1-1.**

SECTION 2. IC 16-21-17 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]:

Chapter 17. Health Care Pricing Information

Sec. 1. (a) Not later than March 31, 2021, a hospital and an ambulatory outpatient surgical center shall post on the Internet web site of the hospital or ambulatory outpatient surgical center pricing and other information specified in this chapter for the following:

(1) For as many of the seventy (70) shoppable services specified in the final rule of the Centers for Medicare and Medicaid Services published in 84 FR 65524 that are provided by the hospital or ambulatory outpatient surgical center.

(2) In addition to the services specified in subdivision (1), the thirty (30) most common services that are provided by the hospital or ambulatory outpatient surgical center not included in subdivision (1).

(b) The following information, to the extent applicable, must be included on the Internet web site by a hospital and an ambulatory outpatient surgical center for the shoppable and common services described in subsection (a):

(1) A description of the shoppable and common service.

(2) The weighted average negotiated charge per service per provider type for each of the following categories:

(A) Any nongovernment sponsored health benefit plan or insurance plan provided by a health carrier in which the provider is in the network.

(B) Medicare, including fee for service and Medicare Advantage.

(C) Self-pay without charitable assistance from the hospital or ambulatory outpatient surgical center.

(D) Self-pay with charitable assistance from the hospital or ambulatory outpatient surgical center.

Sec. 2. (a) The information displayed on the Internet web site must be in an easy to read, understandable format, and include the negotiated charge as described in section 1 of this chapter for each service by provider type.

(b) A hospital and an ambulatory outpatient surgical center shall update the information on the Internet web site on an annual basis.

SECTION 3. IC 16-24.5 IS ADDED TO THE INDIANA CODE AS A **NEW** ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]:

ARTICLE 24.5. OTHER HEALTH CARE FACILITIES

Chapter 1. Urgent Care Facilities

Sec. 1. (a) As used in this chapter, "urgent care facility" means a freestanding health care facility that offers episodic, walk-in care for the treatment of acute, but not life-threatening, health conditions.

(b) The term does not include an emergency department of a hospital or a nonprofit or government operated health clinic.

Sec. 2. (a) Not later than March 31, 2021, an urgent care facility shall post on the Internet web site of the urgent care facility pricing and other information specified in this chapter for the fifteen (15) most common services that are provided by the urgent care facility.

(b) The following information, to the extent applicable, must be included on the Internet web site by an urgent care facility for the fifteen (15) most common services described in subsection (a):

(1) The number of times each service is provided by the urgent care facility.

(2) A description of the service.

(3) The weighted average negotiated charge per service per provider type for each of the following categories:

(A) Any nongovernment sponsored health benefit plan or insurance provided by a health carrier in which the provider is in the network.

(B) Medicare, including fee for service and Medicare Advantage.

(C) Self-pay without charitable assistance from the urgent care facility.

(D) Self-pay with charitable assistance from the urgent care facility.

Sec. 3. (a) The information displayed on the Internet web site must be in an easy to read, understandable format, and include the negotiated charge as described in section 2 of this chapter for each service by provider type.

(b) An urgent care facility shall update the information on the Internet web site on an annual basis.

SECTION 4. IC 27-1-15.6-13.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 13.5. (a) This section applies only to the following:**

(1) A group policy of accident and sickness insurance, as defined in IC 27-8-5-1. However, this section does not apply to the types of insurance and coverage described in IC 27-8-5-2.5(a).

(2) A group health maintenance organization contract entered into under IC 27-13.

(b) Except as provided in subsection (e), an insurer that issues an insurance policy or a health maintenance organization that enters into a health maintenance organization contract shall disclose to the policyholder or subscriber in a separate written notification:

(1) any commission, service fee, or brokerage fee that has been or will be paid to an insurance producer for selling, soliciting, or negotiating the policy or contract; and

(2) whether the amount disclosed under subdivision (1) is based on a percentage of total plan premiums or a flat per member fee.

(c) An insurer or health maintenance organization shall provide a copy of the written notification described in subsection (b) to the policyholder or subscriber:

(1) when the insurance policy is issued or the contract is entered into; and

(2) each time the insurance policy or contract is renewed.

(d) Each copy of a written notification described in subsection (b) must include a signature line on which the policyholder may sign to acknowledge receiving the written notification.

(e) This section does not require the disclosure to the policyholder of a commission, service fee, or brokerage fee in connection with the issuance of an insurance policy if a federal law or regulation requires disclosure of the commission, service fee, or brokerage fee to the policyholder.

SECTION 5. IC 27-1-37-7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 7. (a) This section applies to health provider contracts beginning July 1, 2020.**

(b) A health provider contract, including a contract with a pharmacy benefit manager or a health facility, may not contain a provision that prohibits the disclosure of health care service claims data to employers providing the coverage. However, any disclosure of claims data must comply with health privacy laws, including the federal Health Insurance Portability and Accountability Act (HIPAA) (P.L. 104-191).

(c) A violation of this section constitutes an unfair or deceptive act or practice in the business of insurance under IC 27-4-1-4.

SECTION 6. IC 27-1-44.5 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 44.5. All Payer Claims Data Base

Sec. 1. As used in this chapter, "data base" refers to the all payer claims data base created under this chapter.

Sec. 2. As used in this chapter, "health payer" includes the following:

(1) Medicare.

(2) Medicaid or a managed care organization (as defined in IC 12-7-2-126.9) that has contracted with Medicaid to provide services to a Medicaid recipient.

(3) An insurer that issues a policy of accident and sickness insurance (as defined in IC 27-8-5-1).

(4) A health maintenance organization (as defined in IC 27-13-1-19).

(5) A pharmacy benefit manager (as defined in IC 27-1-24.8-3).

(6) A third party administrator.

(7) An insurer (as defined in IC 27-1-26-1), excluding insurers of life insurance.

(8) Any other person identified by the commissioner for participation in the data base described in this chapter.

Sec. 3. (a) Before July 1, 2020, the department shall issue a request for information in compliance with IC 5-23-4.5 concerning the creation, operation, and maintenance of a data base.

(b) The request for information must include the following questions:

(1) How the person would collect all relevant claims data for the data base from a health payer in a manner that would minimize technical barriers for a health payer to submit a claim.

(2) How the person would promote and encourage self-funded plans to voluntarily submit claims data for inclusion in the data base.

(3) What funding sources the person would seek to offset costs to implement and maintain the data base.

(4) How the person would make data from the data base available, including what sufficient fee would need to be assessed, to researchers, companies, and other interested parties in analyzing the data.

(5) How the person would ensure the following:

(A) That data is submitted and released in a machine readable format.

(B) That the data from the data base is used in an ethical manner.

(C) That the data is not personally identifiable and is properly secured and maintained, and that the person complies with federal and state health care privacy laws.

(6) How the person would establish a public web portal for individuals to quickly and easily compare prices for the full spectrum of medical billing codes as well as check quality ratings of providers.

(7) What threshold should be set for health payers to submit data for the data base.

(8) How the person would work with other states and relevant stakeholders to either:

(A) use a data language that is already available; or

(B) facilitate the establishment of a common data language to be used by states for the data.

(9) Whether any changes to state law would increase the functionality and effectiveness of the data base and recommendations of the statutes and necessary changes.

(10) Any other questions the department determines are relevant to the implementation of a robust and transparent data base.

(c) The department shall set the deadline for submissions of the request for information under this section that may be not later than November 30, 2020.

Sec. 4. (a) After May 30, 2021, the department shall issue a request for an entity that is not a state agency or political subdivision to create, operate, and maintain the data base under this chapter. In addition to the requirements of IC 5-22-9, the request for proposals must include the considerations contained in the request for information under section 3 of this chapter.

(b) The request for proposals must state that the data base's purpose is to facilitate the following:

(1) Identifying health care needs and informing health care policy.

(2) Comparing costs between various treatment settings and approaches.

(3) Providing information to consumers and purchasers of health care.

(4) Improving the quality and affordability of patient health care and health care coverage.

(c) The department shall publish the department's decision concerning the submissions not later than November 30, 2021, on the department's Internet web site.

(d) If the department accepts a submission for the request for proposals, the department shall enter into a contract with the person to act as administrator of the data base and develop the data base.

(e) The administrator shall ensure that the data base is secure and compliant with the federal Health Insurance Portability and Accountability Act (HIPAA).

Sec. 5. (a) A health payer shall begin submitting the required data in a format specified by the administrator of the data base not later than three (3) months from the first day the department declares the data base to be fully operational.

(b) An employer may opt-in to share claims data with the data base.

SECTION 7. IC 27-4-1-4, AS AMENDED BY P.L.124-2018, SECTION 64, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 4. (a) The following are hereby defined as unfair methods of competition and unfair and deceptive acts and practices in the business of insurance:

(1) Making, issuing, circulating, or causing to be made, issued, or circulated, any estimate, illustration, circular, or statement:

(A) misrepresenting the terms of any policy issued or to be issued or the benefits or advantages promised thereby or the dividends or share of the surplus to be received thereon;

(B) making any false or misleading statement as to the dividends or share of surplus previously paid on similar policies;

(C) making any misleading representation or any misrepresentation as to the financial condition of any insurer, or as to the legal reserve system upon which any life insurer operates;

(D) using any name or title of any policy or class of policies misrepresenting the true nature thereof; or

(E) making any misrepresentation to any policyholder insured in any company for the purpose of inducing or tending to induce such policyholder to lapse, forfeit, or surrender the policyholder's insurance.

(2) Making, publishing, disseminating, circulating, or placing before the public, or causing, directly or indirectly, to be made, published, disseminated, circulated, or placed before the public, in a newspaper, magazine, or other publication, or in the form of a notice, circular, pamphlet, letter, or poster, or over any radio or television station, or in any other way, an advertisement, announcement, or statement containing any assertion, representation, or statement with respect to any person in the conduct of the person's insurance business, which is untrue, deceptive, or misleading.

(3) Making, publishing, disseminating, or circulating, directly or indirectly, or aiding, abetting, or encouraging the making, publishing, disseminating, or circulating of any oral or written statement or any pamphlet, circular, article, or literature which is false, or maliciously critical of or derogatory to the financial condition of an insurer, and which is calculated to injure any person engaged in the business of insurance.

(4) Entering into any agreement to commit, or individually or by a concerted action committing any act of boycott, coercion, or intimidation resulting or tending to result in unreasonable restraint of, or a monopoly in, the business of insurance.

(5) Filing with any supervisory or other public official, or making, publishing, disseminating, circulating, or delivering to any person, or placing before the public, or causing directly or indirectly, to be made, published, disseminated, circulated, delivered to any person, or placed before the public, any false statement of financial condition of an insurer with intent to deceive. Making any false entry in any book, report, or statement of any insurer with intent to deceive any agent or examiner lawfully appointed to examine into its condition or into any of its affairs, or any public official to which such insurer is required by law to report, or which has authority by law to examine into its condition or into any of its affairs, or, with like intent, willfully omitting to make a

true entry of any material fact pertaining to the business of such insurer in any book, report, or statement of such insurer.

(6) Issuing or delivering or permitting agents, officers, or employees to issue or deliver, agency company stock or other capital stock, or benefit certificates or shares in any common law corporation, or securities or any special or advisory board contracts or other contracts of any kind promising returns and profits as an inducement to insurance.

(7) Making or permitting any of the following:

(A) Unfair discrimination between individuals of the same class and equal expectation of life in the rates or assessments charged for any contract of life insurance or of life annuity or in the dividends or other benefits payable thereon, or in any other of the terms and conditions of such contract. However, in determining the class, consideration may be given to the nature of the risk, plan of insurance, the actual or expected expense of conducting the business, or any other relevant factor.

(B) Unfair discrimination between individuals of the same class involving essentially the same hazards in the amount of premium, policy fees, assessments, or rates charged or made for any policy or contract of accident or health insurance or in the benefits payable thereunder, or in any of the terms or conditions of such contract, or in any other manner whatever. However, in determining the class, consideration may be given to the nature of the risk, the plan of insurance, the actual or expected expense of conducting the business, or any other relevant factor.

(C) Excessive or inadequate charges for premiums, policy fees, assessments, or rates, or making or permitting any unfair discrimination between persons of the same class involving essentially the same hazards, in the amount of premiums, policy fees, assessments, or rates charged or made for:

(i) policies or contracts of reinsurance or joint reinsurance, or abstract and title insurance;

(ii) policies or contracts of insurance against loss or damage to aircraft, or against liability arising out of the ownership, maintenance, or use of any aircraft, or of vessels or craft,

their cargoes, marine builders' risks, marine protection and indemnity, or other risks commonly insured under marine, as distinguished from inland marine, insurance; or

(iii) policies or contracts of any other kind or kinds of insurance whatsoever.

However, nothing contained in clause (C) shall be construed to apply to any of the kinds of insurance referred to in clauses (A) and (B) nor to reinsurance in relation to such kinds of insurance. Nothing in clause (A), (B), or (C) shall be construed as making or permitting any excessive, inadequate, or unfairly discriminatory charge or rate or any charge or rate determined by the department or commissioner to meet the requirements of any other insurance rate regulatory law of this state.

(8) Except as otherwise expressly provided by law, knowingly permitting or offering to make or making any contract or policy of insurance of any kind or kinds whatsoever, including but not in limitation, life annuities, or agreement as to such contract or policy other than as plainly expressed in such contract or policy issued thereon, or paying or allowing, or giving or offering to pay, allow, or give, directly or indirectly, as inducement to such insurance, or annuity, any rebate of premiums payable on the contract, or any special favor or advantage in the dividends, savings, or other benefits thereon, or any valuable consideration or inducement whatever not specified in the contract or policy; or giving, or selling, or purchasing or offering to give, sell, or purchase as inducement to such insurance or annuity or in connection therewith, any stocks, bonds, or other securities of any insurance company or other corporation, association, limited liability company, or partnership, or any dividends, savings, or profits accrued thereon, or anything of value whatsoever not specified in the contract. Nothing in this subdivision and subdivision (7) shall be construed as including within the definition of discrimination or rebates any of the following practices:

(A) Paying bonuses to policyholders or otherwise abating their premiums in whole or in part out of surplus accumulated from nonparticipating insurance, so long as any such bonuses or

abatement of premiums are fair and equitable to policyholders and for the best interests of the company and its policyholders.

(B) In the case of life insurance policies issued on the industrial debit plan, making allowance to policyholders who have continuously for a specified period made premium payments directly to an office of the insurer in an amount which fairly represents the saving in collection expense.

(C) Readjustment of the rate of premium for a group insurance policy based on the loss or expense experience thereunder, at the end of the first year or of any subsequent year of insurance thereunder, which may be made retroactive only for such policy year.

(D) Paying by an insurer or insurance producer thereof duly licensed as such under the laws of this state of money, commission, or brokerage, or giving or allowing by an insurer or such licensed insurance producer thereof anything of value, for or on account of the solicitation or negotiation of policies or other contracts of any kind or kinds, to a broker, an insurance producer, or a solicitor duly licensed under the laws of this state, but such broker, insurance producer, or solicitor receiving such consideration shall not pay, give, or allow credit for such consideration as received in whole or in part, directly or indirectly, to the insured by way of rebate.

(9) Requiring, as a condition precedent to loaning money upon the security of a mortgage upon real property, that the owner of the property to whom the money is to be loaned negotiate any policy of insurance covering such real property through a particular insurance producer or broker or brokers. However, this subdivision shall not prevent the exercise by any lender of the lender's right to approve or disapprove of the insurance company selected by the borrower to underwrite the insurance.

(10) Entering into any contract, combination in the form of a trust or otherwise, or conspiracy in restraint of commerce in the business of insurance.

(11) Monopolizing or attempting to monopolize or combining or conspiring with any other person or persons to monopolize any part of commerce in the business of insurance. However, participation as a member, director, or officer in the activities of

any nonprofit organization of insurance producers or other workers in the insurance business shall not be interpreted, in itself, to constitute a combination in restraint of trade or as combining to create a monopoly as provided in this subdivision and subdivision (10). The enumeration in this chapter of specific unfair methods of competition and unfair or deceptive acts and practices in the business of insurance is not exclusive or restrictive or intended to limit the powers of the commissioner or department or of any court of review under section 8 of this chapter.

(12) Requiring as a condition precedent to the sale of real or personal property under any contract of sale, conditional sales contract, or other similar instrument or upon the security of a chattel mortgage, that the buyer of such property negotiate any policy of insurance covering such property through a particular insurance company, insurance producer, or broker or brokers. However, this subdivision shall not prevent the exercise by any seller of such property or the one making a loan thereon of the right to approve or disapprove of the insurance company selected by the buyer to underwrite the insurance.

(13) Issuing, offering, or participating in a plan to issue or offer, any policy or certificate of insurance of any kind or character as an inducement to the purchase of any property, real, personal, or mixed, or services of any kind, where a charge to the insured is not made for and on account of such policy or certificate of insurance. However, this subdivision shall not apply to any of the following:

(A) Insurance issued to credit unions or members of credit unions in connection with the purchase of shares in such credit unions.

(B) Insurance employed as a means of guaranteeing the performance of goods and designed to benefit the purchasers or users of such goods.

(C) Title insurance.

(D) Insurance written in connection with an indebtedness and intended as a means of repaying such indebtedness in the event of the death or disability of the insured.

(E) Insurance provided by or through motorists service clubs or associations.

(F) Insurance that is provided to the purchaser or holder of an air transportation ticket and that:

(i) insures against death or nonfatal injury that occurs during the flight to which the ticket relates;

(ii) insures against personal injury or property damage that occurs during travel to or from the airport in a common carrier immediately before or after the flight;

(iii) insures against baggage loss during the flight to which the ticket relates; or

(iv) insures against a flight cancellation to which the ticket relates.

(14) Refusing, because of the for-profit status of a hospital or medical facility, to make payments otherwise required to be made under a contract or policy of insurance for charges incurred by an insured in such a for-profit hospital or other for-profit medical facility licensed by the state department of health.

(15) Refusing to insure an individual, refusing to continue to issue insurance to an individual, limiting the amount, extent, or kind of coverage available to an individual, or charging an individual a different rate for the same coverage, solely because of that individual's blindness or partial blindness, except where the refusal, limitation, or rate differential is based on sound actuarial principles or is related to actual or reasonably anticipated experience.

(16) Committing or performing, with such frequency as to indicate a general practice, unfair claim settlement practices (as defined in section 4.5 of this chapter).

(17) Between policy renewal dates, unilaterally canceling an individual's coverage under an individual or group health insurance policy solely because of the individual's medical or physical condition.

(18) Using a policy form or rider that would permit a cancellation of coverage as described in subdivision (17).

(19) Violating IC 27-1-22-25, IC 27-1-22-26, or IC 27-1-22-26.1 concerning motor vehicle insurance rates.

(20) Violating IC 27-8-21-2 concerning advertisements referring to interest rate guarantees.
(21) Violating IC 27-8-24.3 concerning insurance and health plan coverage for victims of abuse.
(22) Violating IC 27-8-26 concerning genetic screening or testing.
(23) Violating IC 27-1-15.6-3(b) concerning licensure of insurance producers.
(24) Violating IC 27-1-38 concerning depository institutions.
(25) Violating IC 27-8-28-17(c) or IC 27-13-10-8(c) concerning the resolution of an appealed grievance decision.
(26) Violating IC 27-8-5-2.5(e) through IC 27-8-5-2.5(j) (expired July 1, 2007, and removed) or IC 27-8-5-19.2 (expired July 1, 2007, and repealed).
(27) Violating IC 27-2-21 concerning use of credit information.
(28) Violating IC 27-4-9-3 concerning recommendations to consumers.
(29) Engaging in dishonest or predatory insurance practices in marketing or sales of insurance to members of the United States Armed Forces as:

(A) described in the federal Military Personnel Financial Services Protection Act, P.L.109-290; or
(B) defined in rules adopted under subsection (b).

(30) Violating IC 27-8-19.8-20.1 concerning stranger originated life insurance.
(31) Violating IC 27-2-22 concerning retained asset accounts.
(32) Violating IC 27-8-5-29 concerning health plans offered through a health benefit exchange (as defined in IC 27-19-2-8).
(33) Violating a requirement of 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), that is enforceable by the state.
(34) After June 30, 2015, violating IC 27-2-23 concerning unclaimed life insurance, annuity, or retained asset account benefits.
(35) Willfully violating IC 27-1-12-46 concerning a life insurance policy or certificate described in IC 27-1-12-46(a).
(36) Violating IC 27-1-37-7 concerning prohibiting the disclosure of health care service claims data.

(b) Except with respect to federal insurance programs under Subchapter III of Chapter 19 of Title 38 of the United States Code, the commissioner may, consistent with the federal Military Personnel Financial Services Protection Act (10 U.S.C. 992 note), adopt rules under IC 4-22-2 to:

(1) define; and

(2) while the members are on a United States military installation or elsewhere in Indiana, protect members of the United States Armed Forces from;

dishonest or predatory insurance practices.

SECTION 8. IC 27-8-11-13 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2021]: **Sec. 13. (a) A fully credentialed provider shall be reimbursed for eligible services provided at any in-network hospital if the following conditions are met:**

(1) The provider submits the documentation required by the insurer to be loaded under the provider group or hospital.

(2) The provider, provider group, or hospital is a network provider with the insurer.

(3) The services are provided in accordance with all terms and conditions of the provider's, group provider's, or hospital's agreement or contract with the insurer.

(4) Prior authorization is obtained in accordance with IC 27-1-37.5 when required by the insurer for an eligible service.

(b) The insurer shall reimburse the provider or hospital for services described in subsection (a) at the rates determined by the contract between the provider and the insurer.

(c) An insurer is not required to credential a provider. However, if:

(1) a provider is employed by a hospital that is part of the hospital's network that is covered by the insurer; and

(2) the provider meets the insurer's credentialing requirements;

the insurer shall reimburse the provider for any reimbursable services from the date that the provider was employed by the hospital.

SECTION 9. IC 27-13-43-4 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2021]: **Sec. 4. (a) A fully credentialed provider shall be reimbursed for eligible services provided at any in-network hospital if the following conditions are met:**

(1) The provider submits the documentation required by the health maintenance organization to be loaded under the provider group or hospital.

(2) The provider, provider group, or hospital is a network provider with the health maintenance organization.

(3) The services are provided in accordance with all terms and conditions of the provider's, group provider's, or hospital's agreement or contract with the health maintenance organization.

(4) Prior authorization is obtained in accordance with IC 27-1-37.5 when required by the health maintenance organization for an eligible service.

(b) The health maintenance organization shall reimburse the provider or hospital for services described in subsection (a) at the rates determined by the contract between the provider and the health maintenance organization.

(c) A health maintenance organization is not required to credential a provider. However, if:

(1) a provider is employed by a hospital that is part of the hospital's network that is covered by the health maintenance organization; and

(2) the provider meets the health maintenance organization's credentialing requirements;

the health maintenance organization shall reimburse the provider for any reimbursable services from the date that the provider was employed by the hospital.

SECTION 10. **An emergency is declared for this act.**

P.L.51-2020
[S.10. Approved March 18, 2020.]

AN ACT to amend the Indiana Code concerning pensions.

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

SECTION 1. IC 2-3.5-5-6, AS AMENDED BY P.L.35-2012, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2021]: Sec. 6. (a) A participant who terminates service as a member of the general assembly is entitled to withdraw both the participant's employee contribution account and employer contribution account from the defined contribution fund. The withdrawal shall be made not later than the required beginning date under the Internal Revenue Code. The amount available for the withdrawal shall be the fair market value of the participant's accounts on the last day of the quarter preceding the date of withdrawal plus employee contributions deducted and employer contributions made since the last day of the quarter preceding the date of withdrawal.

(b) The withdrawal amount shall be paid in a lump sum, a partial lump sum, a monthly annuity as purchased by the board with the remaining amount, or a series of monthly installment payments over sixty (60), one hundred twenty (120), or one hundred eighty (180) months, as elected by the participant. The forms of annuity and installments shall be established by the board by rule, in consultation with the system's actuary. The board shall give participants information on these forms of payments and the effects of various dates of withdrawal.

(c) Subject to the Pension Protection Act of 2006 and notwithstanding any state law, after December 31, 2020, an active member who is at least fifty-nine and one-half (59 1/2) years of age may withdraw all or part of the amount in the member's account without separating from a covered position.

SECTION 2. IC 5-10.2-3-6.5, AS AMENDED BY P.L.27-2019, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2021]: Sec. 6.5. (a) After ~~June 30, 2018,~~ **December 31, 2020,** a member who meets all of the following requirements may elect to withdraw all or part of the amount in the member's annuity savings account:

(1) The member has terminated employment with the applicable fund and is not currently employed in a covered position for the applicable fund.

~~(2) The member has not performed any service in a position covered by the applicable fund or for the same employer for at least thirty (30) days after the date the member terminates employment.~~

~~(3)~~ **(2)** The member makes the election described in this subsection:

(A) after December 31, 2008, if the member is a member of the public employees' retirement fund; or

(B) after June 30, 2009, if the member is a member of the Indiana state teachers' retirement fund.

~~(4)~~ **(3)** Except as provided in subsection (b), the member is not eligible for:

(A) before July 1, 2011, a reduced or unreduced retirement; or

(B) after June 30, 2011, an unreduced retirement;

under IC 5-10.2-4 on the date the fund receives notice of the election described in this subsection.

(b) The requirement described in subsection ~~(a)(4)~~ **(a)(3)** does not apply to a member of the public employees' retirement fund who:

(1) was eligible for a reduced or unreduced retirement; and

(2) received a distribution under this section;

after December 31, 2008, and before June 30, 2010.

(c) A member who elects to withdraw all or part of the amount in the member's annuity savings account under subsection (a) shall provide notice of the election on a form provided by the board.

(d) The election to withdraw all or part of the amount in the member's annuity savings account is irrevocable.

(e) The board shall pay an amount withdrawn from the member's annuity savings account under this section as a lump sum.

(f) Except as provided in subsection (g), a member who makes a withdrawal under this section is entitled to receive, when the member becomes eligible to receive and applies for a retirement benefit under IC 5-10.2-4, a retirement benefit equal to the pension provided by employer contributions computed under IC 5-10.2-4.

(g) A member who:

(1) transfers creditable service earned under the fund to another governmental retirement plan under section 1(i) of this chapter; and

(2) withdraws the member's annuity savings account under this section to purchase the service;

may not use the transferred service in the computation of a retirement benefit payable under subsection (f).

(h) After June 30, 2019, a member's withdrawal of all or part of the member's annuity savings account under:

(1) this section; or

(2) rules adopted by the board with respect to the Pension Protection Act of 2006;

has no effect on the member's service credit or pension.

(i) Subject to the Pension Protection Act of 2006 and notwithstanding any state law, after December 31, 2020, an active member who:

(1) becomes age and service eligible for normal retirement; and

(2) is at least fifty-nine and one-half (59 1/2) years of age;

may withdraw all or part of the amount in the member's annuity savings account without consequence to the member's pension benefit under the fund and without separating from a covered position.

SECTION 3. IC 5-10.2-3-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2021]: Sec. 9. (a) This section applies if the following conditions are met. A member dies:

(1) after July 1, 1991; and

(2) while receiving or while eligible to receive retirement benefits under IC 5-10.2-4-1 from the fund.

(b) As used in this section, "minimum amount" means the entire amount credited to the member's annuity savings account at the time of:

(1) retirement; or

(2) death while entitled to retirement benefits;

minus all benefits paid to the member and the member's survivors.

(c) If the member dies without a survivor entitled to benefits and the member has not received payments equal to or more than the minimum amount, the difference shall be paid in a lump sum to the member's designated beneficiary or beneficiaries in equal shares. If the member dies without a surviving designated beneficiary, the difference shall be paid in a lump sum to the member's estate.

(d) If the member dies with a survivor entitled to benefits, no payment under this section shall be calculated until after all survivors die. If, at the time of death of the last survivor, the member and all survivors have not received payments equal to or more than the minimum amount, the difference shall be paid in a lump sum to the survivor's estate.

(e) The minimum benefit provided in this section shall not apply to an election under IC 5-10.2-4-7(g).

SECTION 4. IC 5-10.2-4-7, AS AMENDED BY P.L.40-2017, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2021]: Sec. 7. (a) Benefits provided under this section are subject to IC 5-10.2-2-1.5.

(b) A member who retires is entitled to receive monthly retirement benefits, which are guaranteed for five (5) years or until the member's death, whichever is later. A member may select in writing any of the following nonconflicting options for the payment of the member's retirement benefits instead of the five (5) year guaranteed retirement benefit payments. The amount of the optional payments shall be determined under rules of the board and shall be the actuarial equivalent of the benefit payable under sections 4, 5, and 6 of this chapter. A member who has elected to withdraw the entire amount in the member's annuity savings account under IC 5-10.2-3-6.5 may not select the cash refund annuity option.

(1) Joint and Survivor Option.

(A) The member receives a decreased retirement benefit during the member's lifetime, and there is a benefit payable after the member's death to a designated beneficiary during the lifetime of the beneficiary, which benefit equals, at the option of the member, either the full decreased retirement benefit or two-thirds (2/3) or one-half (1/2) of that benefit.

(B) If the member dies before retirement, the designated beneficiary may receive only the amount credited to the member in the annuity savings account unless the designated beneficiary is entitled to survivor benefits under IC 5-10.2-3.

(C) If the designated beneficiary dies before the member retires, the selection is automatically canceled and the member may make a new beneficiary election and may elect a different form of benefit under this subsection.

(2) Benefit with No Guarantee. The member receives an increased lifetime retirement benefit without the five (5) year guarantee specified in this subsection.

(3) Integration with Social Security. If the member retires before the age of eligibility for Social Security benefits, in order to provide a level benefit during the member's retirement the member receives an increased retirement benefit until the age of Social Security eligibility and decreased retirement benefits after that age.

(4) Cash Refund Annuity. The member receives a lifetime annuity purchasable by all or part of the amount credited to the member in the annuity savings account, and the member's designated beneficiary receives a refund payment equal to:

(A) the total amount used in computing the annuity; minus

(B) the total annuity payments paid and due to the member before the member's death.

(c) This subsection does not apply to a member of the Indiana state teachers' retirement fund after June 30, 2007, or to a member of the public employees' retirement fund after June 30, 2008. If:

(1) the designated beneficiary dies while the member is receiving benefits; or

(2) the member is receiving benefits, the member marries, either for the first time or following the death of the member's spouse, after the member's first benefit payment is made, and the member's designated beneficiary is not the member's current spouse or the member has not designated a beneficiary;

the member may elect to change the member's designated beneficiary or form of benefit under subsection (b) and to receive an actuarially adjusted and recalculated benefit for the remainder of the member's life or for the remainder of the member's life and the life of the newly

designated beneficiary. The member may not elect to change to a five (5) year guaranteed form of benefit. If the member's new election is the joint and survivor option, the member shall indicate whether the designated beneficiary's benefit shall equal, at the option of the member, either the member's full recalculated retirement benefit or two-thirds (2/3) or one-half (1/2) of this benefit. The cost of recalculating the benefit shall be borne by the member and shall be included in the actuarial adjustment.

(d) Except as provided in subsection (c) or section 7.2 of this chapter, a member who files for regular or disability retirement may not change:

(1) the member's retirement option under subsection (b);

(2) the selection of a lump sum payment under section 2 of this chapter; or

(3) the beneficiary designated on the member's application for benefits if the member selects the joint and survivor option under subsection (b)(1);

after the first day of the month in which benefit payments are scheduled to begin. For purposes of this subsection, it is immaterial whether a benefit check has been sent, received, or negotiated.

(e) A member may direct that the member's retirement benefits be paid to a revocable trust that permits the member unrestricted access to the amounts held in the revocable trust. The member's direction is not an assignment or transfer of benefits under IC 5-10.3-8-10 or IC 5-10.4-5-14.5.

(f) The board may adopt a policy to permit annual payment of a member's retirement benefit whenever the amount of the monthly retirement benefit to be paid to the member is not more than five dollars ($5).

(g) The board may provide an alternative option for the payment of the member's retirement benefits that does not include the minimum benefit option under IC 5-10.2-3-9.

SECTION 5. IC 5-10.3-12-26, AS AMENDED BY P.L.27-2019, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2021]: Sec. 26. (a) ~~Subject~~ **After December 31, 2020, subject** to the provisions of the Internal Revenue Code applicable to qualified plan distributions, a member who

~~(1)~~ terminates service in a covered position ~~and~~

~~(2) does not perform any service in a position covered by the fund for at least thirty (30) days after the date on which the member terminates service;~~

is entitled to withdraw all or part of the amounts in the member's account to the extent the member is vested in the account. A member must make a required withdrawal from the member's account not later than the required beginning date under the Internal Revenue Code.

(b) The member may elect to have withdrawals paid as:

(1) a lump sum;

(2) a direct rollover to another eligible retirement plan; or

(3) if the member has attained normal retirement age, a monthly annuity in accordance with the rules of the board.

(c) The board may establish a minimum account balance or a minimum monthly payment amount in order for a member to select the monthly annuity option. The board shall establish the forms of annuity by rule, in consultation with the board's actuary. The board shall give members information about these forms of payment and any information required by federal law to accompany such distributions.

(d) Unless otherwise required by federal or state law, the requirements and rules that apply to the distribution of the annuity savings account apply to distributions from a member's account.

(e) Subject to the Pension Protection Act of 2006 and notwithstanding any state law, after December 31, 2020, an active member who:

(1) reaches normal retirement age; and

(2) has attained vested status in the fund;

may withdraw all or part of the amount in the member's account without separating from a covered position.

SECTION 6. IC 5-10.4-8-12, AS AMENDED BY P.L.27-2019, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2021]: Sec. 12. (a) ~~Subject~~ **After December 31, 2020, subject** to the provisions of the Internal Revenue Code applicable to qualified plan distributions, a member who

~~(1)~~ terminates service in a covered position ~~and~~

~~(2) does not perform any service in a position covered by the fund for at least thirty (30) days after the date on which the member terminates service;~~

is entitled to withdraw all or part of the amounts in the member's account to the extent the member is vested in the account. A member must make a required withdrawal from the member's account not later than the required beginning date under the Internal Revenue Code.

(b) A member may elect to have withdrawals paid as:

(1) a lump sum;

(2) a direct rollover to another eligible retirement plan; or

(3) if the member has attained normal retirement age, a monthly annuity in accordance with the rules of the board.

(c) The board may establish a minimum account balance or a minimum monthly payment amount in order for a member to select the monthly annuity option. The board shall establish the forms of annuity by rule, in consultation with the board's actuary. The board shall give members information about these forms of payment and any information required by federal law to accompany such distributions.

(d) Unless otherwise required by federal or state law, the requirements and rules that apply to the distribution of the annuity savings account apply to distributions from a member's account.

(e) Subject to the Pension Protection Act of 2006 and notwithstanding any state law, after December 31, 2020, an active member who:

(1) reaches normal retirement age; and

(2) has attained vested status in the fund;

may withdraw all or part of the amount in the member's account without separating from a covered position.

P.L.52-2020
[S.19. Approved March 18, 2020.]

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

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

SECTION 1. IC 25-1-9.5-2.2 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 2.2. As used in this chapter, "eye care professional" means either of the following:**

(1) A physician licensed under IC 25-22.5 who practices ophthalmology.

(2) An optometrist licensed under IC 25-24.

SECTION 2. IC 25-1-9.5-2.8 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 2.8. As used in this chapter, "ophthalmic device" means either of the following:**

(1) Eye glasses.

(2) Contact lenses.

SECTION 3. IC 25-1-9.5-4.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 4.5. As used in this chapter, "refraction" means a test that is performed to measure an individual's prescription for eye glasses or contact lenses.**

SECTION 4. IC 25-1-9.5-8, AS AMENDED BY P.L.211-2019, SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 8. (a) A prescriber may issue a prescription to a patient who is receiving services through the use of telemedicine if the patient has not been examined previously by the prescriber in person if the following conditions are met:

(1) The prescriber has satisfied the applicable standard of care in the treatment of the patient.

(2) The issuance of the prescription by the prescriber is within the prescriber's scope of practice and certification.

(3) The prescription:

(A) meets the requirements of subsection (b); and

(B) is not for an opioid. However, an opioid may be prescribed if the opioid is a partial agonist that is used to treat or manage opioid dependence.

(4) The prescription is not for an abortion inducing drug (as defined in IC 16-18-2-1.6).

~~(5) The prescription is not for an ophthalmic device, including:~~

~~(A) glasses;~~

~~(B) contact lenses; or~~

~~(C) low vision devices.~~

(5) If the prescription is for a medical device, including an ophthalmic device, the prescriber must use telemedicine technology that is sufficient to allow the provider to make an informed diagnosis and treatment plan that includes the medical device being prescribed. However, a prescription for an ophthalmic device is also subject to the conditions in section 13 of this chapter.

(b) Except as provided in subsection (a), a prescriber may issue a prescription for a controlled substance (as defined in IC 35-48-1-9) to a patient who is receiving services through the use of telemedicine, even if the patient has not been examined previously by the prescriber in person, if the following conditions are met:

(1) The prescriber maintains a valid controlled substance registration under IC 35-48-3.

(2) The prescriber meets the conditions set forth in 21 U.S.C. 829 et seq.

(3) The patient has been examined in person by a licensed Indiana health care provider and the licensed health care provider has established a treatment plan to assist the prescriber in the diagnosis of the patient.

(4) The prescriber has reviewed and approved the treatment plan described in subdivision (3) and is prescribing for the patient pursuant to the treatment plan.

(5) The prescriber complies with the requirements of the INSPECT program (IC 25-26-24).

(c) A prescription for a controlled substance under this section must be prescribed and dispensed in accordance with IC 25-1-9.3 and IC 25-26-24.

SECTION 5. IC 25-1-9.5-13 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 13. (a) As used in this section, "HIPAA" refers to the federal Health Insurance Portability and Accountability Act.**

(b) A prescriber may not issue a prescription for an ophthalmic device unless the following conditions are met:

(1) If the prescription is for contact lenses or eyeglasses, the patient must be at least eighteen (18) years of age but not more than fifty-five (55) years of age.

(2) The patient must have completed a medical eye history that includes information concerning the following:

(A) Chronic health conditions.

(B) Current medications.

(C) Eye discomfort.

(D) Blurry vision.

(E) Any prior ocular medical procedures.

(3) The patient must have had a prior prescription from a qualified eye care professional that included a comprehensive in person exam that occurred within two (2) years before the initial use of telemedicine for a refraction under subdivision (5)(A).

(4) If the patient desires a contact lens prescription, at the discretion of the eye care professional, that patient must have had a prior contact lens fitting or evaluation by a qualified eye care professional that occurred within two (2) years before the initial use of telemedicine for a refraction under subdivision (5)(A).

(5) The patient:

(A) may not use telemedicine more than two (2) consecutive times within two (2) years from the date of the examination that occurred under subdivision (3) for a refraction without a subsequent in person comprehensive eye exam; and

(B) must acknowledge that the patient has had a comprehensive eye exam as required under clause (A) before receiving an online prescription.

(6) The patient may allow the prescriber to access the patient's medical records using an appropriate HIPAA compliant process.

(7) The prescriber must ensure that the transfer of all information, including the vision test and prescription, comply with HIPAA requirements.

(8) The prescriber must use technology to allow the patient to have continuing twenty-four (24) hour a day online access to the patient's prescription as soon as the prescription is signed by the prescriber.

SECTION 6. IC 25-24-1-4.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 4.5. A person may not at any time make any changes or substitutions, including:**

(1) the brand;

(2) the type of lenses; or

(3) ophthalmic parameters;

to a prescription for an individual for contact lenses or prescription eye glasses unless under the direction of the prescriber who issued the prescription for the contact lenses or prescription eye glasses.

SECTION 7. IC 25-24-1-4.7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 4.7. A prescriber is not liable for any damage or injury to an individual resulting from the packaging, manufacturing, or dispensing of the contact lenses or prescription eye glasses unless the prescriber is also the seller.**

SECTION 8. IC 25-24-1-5.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 5.5. The board may not establish standards concerning the practice of ocular telemedicine or ocular telehealth that are more restrictive than the standards that are set:**

(1) under this article; or

(2) by rule and applicable to the practitioner's in-person ocular practice.

P.L.53-2020
[S.20. Approved March 18, 2020.]

AN ACT to amend the Indiana Code concerning local government.

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

SECTION 1. IC 36-7-4-208, AS AMENDED BY P.L.233-2015, SECTION 339, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 208. (a) ADVISORY. The county plan commission consists of nine (9) members, as follows:

(1) One (1) member appointed by the county executive from its membership.

(2) One (1) member appointed by the county fiscal body from its membership.

(3) The county surveyor or the county surveyor's designee. **However, the county surveyor's designee must be a resident of the county to be eligible to serve on the county plan commission.**

(4) The county agricultural extension educator. However, **the county agricultural extension educator must be a resident of the county to serve under this subdivision.** If:

(A) the county does not have a county agricultural extension educator; **or**

(B) the county agricultural extension educator is not a resident of the county;

the county extension board shall select a resident of the county who is a property owner with agricultural interest to serve on the commission under this subdivision for a period not to exceed one (1) year. **In addition to the county resident selected by the county extension board to serve as a member of the commission, the county agricultural extension educator who is not a resident of the county shall serve the commission in a nonvoting advisory capacity.**

(5) Five (5) members appointed in accordance with one (1) of the following:

(A) Four (4) citizen members, of whom no more than two (2) may be of the same political party. Each of the four (4) members must be:

(i) a resident of an unincorporated area of the county; or

(ii) a resident of the county who is also an owner of real property located in whole or in part in an unincorporated area of the county;

appointed by the county executive. However, at least two (2) of the citizen members must be residents of the unincorporated area of the county. Also one (1) township trustee, who must be a resident of an unincorporated area of the county appointed by the county executive upon the recommendation of the township trustees whose townships are within the jurisdiction of the county plan commission.

(B) Five (5) citizen members, of whom not more than three (3) may be of the same political party. Each of the five (5) members must be:

(i) a resident of an unincorporated area of the county; or

(ii) a resident of the county who is also an owner of real property located in whole or in part in an unincorporated area of the county;

appointed by the county executive. However at least three (3) members must be residents of the unincorporated area of the county.

If a county executive changes the plan commission from having members described in clause (B) to having members described in clause (A), the county executive shall appoint a township trustee to replace the first citizen member whose term expires and who belongs to the same political party as the township trustee. Each member appointed to the commission is entitled to receive compensation for mileage at the same rate and the same compensation for services as a member of a county executive, a member of a county fiscal body, a county surveyor, or an appointee of a county surveyor receives for serving on the commission, as set forth in section 222.5 of this chapter.

(b) ADVISORY. The metropolitan plan commission consists of nine (9) members, as follows:

(1) One (1) member appointed by the county legislative body from its membership.

(2) One (1) member appointed by the second class city legislative body from its membership.

(3) Three (3) citizen members who:

(A) reside in an unincorporated area of the county; or

(B) reside in the county and also own real property located in whole or in part in an unincorporated area of the county;

of whom no more than two (2) may be of the same political party, appointed by the county legislative body. One (1) of these members must be actively engaged in farming.

(4) Four (4) citizen members, of whom no more than two (2) may be of the same political party, appointed by the second class city executive. One (1) of these members must be from the metropolitan school authority or community school corporation and a resident of that school district, and the other three (3) members must be residents of the second class city.

(c) AREA. When there are six (6) county representatives, they are as follows:

(1) One (1) member appointed by the county executive from its membership.

(2) One (1) member appointed by the county fiscal body from its membership.

(3) A representative appointed by the school corporation superintendents within the jurisdiction of the area plan commission.

(4) One (1) of the following appointed by the county executive:

(A) The county agricultural extension educator. **However, the county agricultural extension educator must be a resident of the county to be eligible to serve on the area plan commission. If:**

(i) the county does not have a county agricultural extension educator; or

(ii) the county agricultural extension educator is not a resident of the county;

the county executive shall select a resident of the county who is a property owner with agricultural interest to serve on the area plan commission under this clause for a period not to exceed one (1) year. In addition to the county resident selected by the county executive to serve as a member of the commission, the county agricultural extension educator who is not a resident of the county shall serve the commission in a nonvoting advisory capacity.

(B) The county surveyor or the county surveyor's designee. **However, the county surveyor's designee must be a resident of the county to be eligible to serve on the area plan commission.**

(5) One (1) citizen member who is:

(A) a resident of the unincorporated area of the county; or

(B) a resident of the county who is also an owner of real property located in whole or in part in the unincorporated area of the county;

appointed by the county executive.

(6) One (1) citizen member who is:

(A) a resident of the unincorporated area of the county; or

(B) a resident of the county who is also an owner of real property located in whole or in part in the unincorporated area of the county;

appointed by the county fiscal body.

(d) AREA. When there are five (5) county representatives, they are the representatives listed or appointed under subsection (c)(3), (c)(4), (c)(5), and (c)(6) and:

(1) the county surveyor or the county surveyor's designee if the county executive appoints the county agricultural extension educator **or resident of the county who is a property owner with agricultural interest, as applicable,** under subsection (c)(4); or

(2) the county agricultural extension educator **or resident of the county who is a property owner with agricultural interest, as applicable,** if the county executive appoints the county surveyor under subsection (c)(4).

(e) ADVISORY. Notwithstanding subsection (a)(4), a county agricultural extension educator who is a member of the county

plan commission on July 1, 2020, and is not a resident of the county may continue to serve as a member of the commission until:

(1) October 1, 2020; or

(2) the date set forth in an ordinance adopted by the county legislative body that is after October 1, 2020, and not later than October 1, 2021.

This subsection expires January 1, 2022.

(f) AREA. Notwithstanding subsection (c)(4), a county agricultural extension educator who is a member of the area plan commission on July 1, 2020, and is not a resident of the county may continue to serve as a member of the commission until:

(1) October 1, 2020; or

(2) the date set forth in an ordinance adopted by the county legislative body that is after October 1, 2020, and not later than October 1, 2021.

This subsection expires January 1, 2022.

SECTION 2. IC 36-7-4-220, AS AMENDED BY P.L.193-2017, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 220. (a) If a vacancy occurs among the plan commission members who are appointed, then the appointing authority shall appoint a member for the unexpired term of the vacating member **who meets the same requirements as the vacating member, including residency,** not later than ninety (90) days after the vacancy occurs. The appointing authority may also appoint an alternate member **who meets the same requirements as the disqualified member, including residency,** to participate with the commission in a hearing or decision if the regular member appointed by the appointing authority has a disqualification under section 223(c) of this chapter. An alternate member has all the powers and duties of a regular member while participating in the hearing or decision.

(b) If a vacancy occurs in the office of the county surveyor while the county surveyor is serving on the plan commission, then the county engineer shall participate with the plan commission during the time the office of the county surveyor is vacant. The county engineer has all the powers and duties of a regular member while participating under this subsection.

(c) An appointed member who misses three (3) consecutive regular meetings of the plan commission may be treated as if the member had resigned, at the discretion of the appointing authority.

P.L.54-2020
[S.25. Approved March 18, 2020.]

AN ACT to amend the Indiana Code concerning pensions.

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

SECTION 1. IC 36-8-8-12.5, AS AMENDED BY P.L.59-2009, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 12.5. (a) This section applies only to a fund member who:

(1) is hired for the first time after December 31, 1989;

(2) chooses coverage by this section and section 13.5 of this chapter under section 12.4 of this chapter; or

(3) is described in section 12.3(c)(2) of this chapter.

(b) At the same hearing where the determination of whether the fund member has a covered impairment is made, the local board shall determine the following:

(1) Whether the fund member has a Class 1 impairment. A Class 1 impairment is a covered impairment that is the direct result of one (1) or more of the following:

(A) A personal injury that occurs while the fund member is on duty.

(B) A personal injury that occurs while the fund member is off duty and is responding to:

(i) an offense or a reported offense, in the case of a police officer; or

(ii) an emergency or reported emergency for which the fund member is trained, in the case of a firefighter.

(C) An occupational disease (as defined in IC 22-3-7-10). A covered impairment that is included within this clause and subdivision (2), **including mental illnesses,** shall be considered a Class 1 impairment.

(D) A health condition caused by an exposure risk disease that results in a presumption of disability or death incurred in the line of duty under IC 5-10-13.

(2) Whether the fund member has a Class 2 impairment. A Class 2 impairment is a covered impairment that is:

(A) a duty related disease. A duty related disease means a disease arising out of the fund member's employment. A disease shall be considered to arise out of the fund member's employment if it is apparent to the rational mind, upon consideration of all of the circumstances, that:

(i) there is a connection between the conditions under which the fund member's duties are performed and the disease;

(ii) the disease can be seen to have followed as a natural incident of the fund member's duties as a result of the exposure occasioned by the nature of the fund member's duties; and

(iii) the disease can be traced to the fund member's employment as the proximate cause; or

(B) a health condition caused by:

(i) an exposure related heart or lung disease;

(ii) an exposure related cancer; or

(iii) exposure related Parkinson's disease;

that results in a presumption of disability incurred in the line of duty under IC 5-10-15.

(3) Whether the fund member has a Class 3 impairment. A Class 3 impairment is a covered impairment that is not a Class 1 impairment or a Class 2 impairment.

SECTION 2. IC 36-8-8-13.1, AS AMENDED BY P.L.179-2018, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 13.1. (a) If:

(1) the local board has determined under this chapter that a covered impairment exists and the safety board has determined

that there is no suitable and available work within the department, considering reasonable accommodation to the extent required by the Americans with Disabilities Act; or

(2) the fund member has filed an appeal under section 12.7(o) of this chapter;

the local board shall submit the local board's determinations and the safety board's determinations to the system board's director.

(b) Whenever a fund member is determined to have an impairment under section 12.7(i) of this chapter, the system board's director shall initiate a review of the default award not later than sixty (60) days after the director learns of the default award.

(c) After the system board's director receives the determinations under subsection (a) or initiates a review under subsection (b), the fund member must submit to an examination by a medical authority selected by the system board. The authority shall determine if there is a covered impairment. With respect to a fund member who is covered by sections 12.5 and 13.5 of this chapter, the authority shall determine the degree of impairment. The system board shall adopt rules to establish impairment standards, such as the impairment standards contained in the United States Department of Veterans Affairs Schedule for Rating Disabilities. The report of the examination shall be submitted to the system board's director. If a fund member refuses to submit to an examination, the authority may find that no impairment exists.

(d) The system board's director shall review the medical authority's report and the local board's determinations and issue an initial determination within sixty (60) days after receipt of the local board's determinations. The system board's director shall notify the local board, the safety board, and the fund member of the initial determination. The following provisions apply if the system board's director does not issue an initial determination within sixty (60) days and if the delay is not attributable to the fund member or the safety board:

(1) In the case of a review initiated under subsection (a)(1):

(A) the determinations of the local board and the chief of the police or fire department are considered to be the initial determination; and

(B) for purposes of section 13.5(d) of this chapter, the fund member is considered to be totally impaired.

(2) In the case of an appeal submitted under subsection (a)(2), the statements made by the fund member under section 12.7(o) of this chapter are considered to be the initial determination.

(3) In the case of a review initiated under subsection (b), the initial determination is the impairment determined under section 12.7(i) of this chapter.

(e) The fund member, the safety board, or the local board may object in writing to the director's initial determination within fifteen (15) days after the determination is issued. If no written objection is filed, the initial determination becomes the final order of the system board. If a timely written objection is filed, the system board shall issue the final order after a hearing. Unless an administrative law judge orders a waiver or an extension of the period for cause shown, the final order shall be issued not later than one hundred eighty (180) days after the date of receipt of the local board's determination or the date the system board's director initiates a review under subsection (b). The following provisions apply if a final order is not issued within the time limit described in this subsection and if the delay is not attributable to the fund member or the chief of the police or fire department:

(1) In the case of a review initiated under subsection (a)(1):

(A) the determinations of the local board and the chief of the police or fire department are considered to be the final order; and

(B) for purposes of section 13.5(f) of this chapter, the fund member is considered to be totally impaired.

(2) In the case of an appeal submitted under subsection (a)(2), the statements made by the fund member under section 12.7(o) of this chapter are considered to be the final order.

(3) In the case of a review initiated under subsection (b), the impairment determined under section 12.7(i) of this chapter is considered to be the final order.

(f) If the system board approves the director's initial determination, then the system board shall issue a final order adopting the initial determination. The local board and the chief of the police or fire department shall comply with the initial determination. If the system board does not approve the initial determination, the system board may receive additional evidence on the matter before issuing a final order.

(g) Appeals of the system board's final order may be made under IC 4-21.5.

(h) The transcripts, records, reports, and other materials compiled under this section must be retained in accordance with the procedures specified in section 12.7(p) of this chapter.

(i) The system board may seek the assistance of the mental health disability review panel established under IC 36-8-8.3-4 in issuing an initial determination or a final order.

SECTION 3. IC 36-8-8.3 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]:

Chapter 8.3. Impairment Determination for Mental Illness

Sec. 1. This chapter applies to a 1977 fund member who receives a final determination of an impairment for a mental health illness under IC 36-8-8-13.1 after December 31, 2012.

Sec. 2. As used in this chapter, "review panel" refers to a mental health disability review panel established under section 4 of this chapter.

Sec. 3. As used in this chapter, "system board" refers to the board of trustees of the Indiana public retirement system established by IC 5-10.5-3-1.

Sec. 4. (a) This chapter provides for the establishment of mental health disability review panels to review impairment determinations in the case of a mental health disability.

(b) A mental health disability review panel consists of:

(1) one (1) psychologist licensed under IC 25-33-1-5.1;

(2) one (1) psychiatrist licensed as a physician under IC 25-22.5; and

(3) one (1) active or retired police officer or firefighter who is a member of the 1977 fund, depending on the profession of the fund member being evaluated.

(c) A mental health disability review panel shall be selected by the system board.

(d) Compensation shall be determined by the system board.

(e) A mental health disability review panel established under this chapter is not a governing body under IC 5-14-1.5-2(b).

Sec. 5. (a) The final determination of an impairment for a mental illness is provisional for two (2) years:

(1) for a final determination made after June 30, 2020, from the date of the final determination by the system board under IC 36-8-8-13.1; or

(2) for a final determination made after December 31, 2012, and before July 1, 2020, beginning July 1, 2020.

(b) During the initial two (2) year provisional period, the fund member shall be subject to and responsible for active participation in a mental health treatment plan as determined by the fund member's treating physician.

(c) The employer shall pay for the fund member's mental health care and treatment relating to the disability during the initial two (2) year provisional period.

Sec. 6. (a) At the conclusion of the initial two (2) year provisional period described in section 5 of this chapter, a mental health disability review panel, as described in section 4 of this chapter, shall conduct a confidential evaluation of the fund member.

(b) The review panel:

(1) shall examine reports and records submitted by the fund member's treating physician, and any other mental health care provider seen by the fund member; and

(2) may consult with other medical authorities;

in conducting its confidential evaluation.

Sec. 7. (a) If the review panel determines the fund member is no longer impaired, the review panel shall notify the system board and the local board, and the fund member shall be returned to duty.

(b) If the review panel determines the fund member remains impaired consistent with the final disability determination, the fund member shall begin an additional two (2) year provisional period from the date of the review panel's determination. The fund member shall continue to be subject to and responsible for active participation in a mental health treatment plan as determined by the fund member's treating physician.

(c) The employer shall continue to pay for the fund member's mental health care and treatment relating to the disability during the second two (2) year provisional period.

Sec. 8. At the conclusion of the fund member's second two (2) year provisional period, the review panel shall reevaluate the fund

member. The review panel shall conduct its confidential reevaluation in the manner described in section 6(b) of this chapter.

Sec. 9. (a) If, after the second evaluation, the review panel determines the fund member is no longer impaired, the review panel shall notify the system board and the local board, and the fund member shall be returned to duty.

(b) If the review panel determines the fund member remains impaired consistent with the final disability determination, the fund member shall be determined to have a permanent impairment.

Sec. 10. The system board may, during the provisional periods described in sections 5 and 7 of this chapter, suspend a member's disability benefit if the member fails to comply with reasonable requests by the review panel for information pursuant to its authority under this chapter.

P.L.55-2020
[S.47. Approved March 18, 2020.]

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

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

SECTION 1. IC 24-4-18-1, AS AMENDED BY P.L.112-2013, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1. (a) As used in this chapter, "criminal history information" means information:

(1) concerning:

(A) a criminal conviction in Indiana; **or**

(B) an Indiana civil protection order under IC 34-26-5; and

(2) available in records kept by a clerk of a circuit, superior, city, or town court with jurisdiction in Indiana.

(b) The term consists of the following:

(1) Identifiable descriptions and notations of arrests, indictments, informations, or other formal criminal charges.

(2) Protection order records (as defined in IC 34-26-7.5-2).

~~(2)~~ **(3)** Information, including a photograph, regarding a sex or violent offender (as defined in IC 11-8-8-5) obtained through sex or violent offender registration under IC 11-8-8.

~~(3)~~ **(4)** Any disposition, including sentencing, and correctional system intake, transfer, and release.

~~(4)~~ **(5)** A photograph of the person who is the subject of the information described in ~~subdivisions (1) through (3).~~ **this subsection.**

(c) The term includes fingerprint information described in IC 10-13-3-24(f).

SECTION 2. IC 34-6-2-121.7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 121.7. "Protection order records", for purposes of IC 34-26-7.5, has the meaning set forth in IC 34-26-7.5-2.**

SECTION 3. IC 34-26-7.5-1, AS ADDED BY P.L.219-2019, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1. This chapter applies to a person named as the subject of a protection order, and if one (1) of the following applies:

(1) A protection order was issued to the plaintiff, but is subsequently terminated due to the:

(A) dismissal of the petition before a court hearing on the protection order;

(B) denial of the protection order upon the order of the court; or

(C) failure of the plaintiff to appear to the court hearing on the protection order.

(2) A protection order was reversed or vacated by an appellate court.

(3) A petition for a protection order was filed but the court did not grant the petition.

SECTION 4. IC 34-26-7.5-2, AS ADDED BY P.L.219-2019, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 2. The following definitions apply throughout this chapter:

(1) "Protection order" means an Indiana civil protection order under IC 34-26-5. The term includes an order for protection and an order for protection ex parte.

(2) "Protection order records" means an Indiana civil protection order under IC 34-26-5 and all records that relate to the protection order, including the petition for the protection order.

~~(2)~~ **(3)** "Subject of a protection order" means the person against whom a protection order was issued.

~~(3)~~ **(4)** "Plaintiff" means the person for whom a protection order was issued.

~~(4)~~ **(5)** "Expungement" means the sealing of protection order ~~court~~ records from public inspection, but not from a law enforcement agency or the court.

SECTION 5. IC 34-26-7.5-3, AS ADDED BY P.L.219-2019, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 3. (a) At any time after a court dismisses or denies an order for protection following issuance of an order for protection ex parte, as described in section 1(1) of this chapter, the subject of the protection order may petition to expunge ~~the~~ protection order **records:**

(1) with the court that issued or denied the protection order; and

(2) in the cause the protection order was issued under.

(b) A petition seeking to expunge ~~a~~ protection order **records** must be filed under seal, verified, and include the following information:

(1) The petitioner's full name.

(2) The petitioner's date of birth.

(3) The petitioner's address.

(4) The case number or court cause number, if available.

(5) The petitioner's Social Security number.

(6) The petitioner's driver's license number.

(7) The date of the order for protection or order for protection ex parte, if applicable.

(8) A description of why the petitioner is entitled to relief, including all relevant dates.

(9) Certified copies of the following, if applicable:

(A) The order for protection.

(B) The order for protection ex parte.

(C) The order denying an order for protection.

(D) The opinion from the appellate court reversing or vacating an order for protection or an order for protection ex parte.

(c) The petition may include any other information that the petitioner believes may assist the court.

SECTION 6. IC 34-26-7.5-5, AS ADDED BY P.L.219-2019, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 5. The petitioner bears the burden of proof in a proceeding to expunge ~~a~~ protection order **records.** The court shall order the protection order **records** expunged if the petitioner proves by a preponderance of the evidence that the petitioner is entitled to relief.

SECTION 7. IC 34-26-7.5-6, AS ADDED BY P.L.219-2019, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 6. (a) If a court orders ~~a~~ protection order **records** expunged under this chapter, the court shall do the following with respect to the specific records expunged by the court:

(1) Order the office of judicial administration to remove the protection order from the Indiana protective order registry established under IC 5-2-9-5.5.

(2) Redact or permanently seal the court's own records relating to the protection order.

(b) If an appellate court reverses or vacates a protection order, and the protection order is then expunged, the appellate court shall:

(1) redact the opinion or memorandum decision as it appears on the computer gateway administered by the office of technology so that it does not include the name of the subject of the protection order (in the same manner that opinions involving juveniles are redacted); and

(2) provide a redacted copy of the opinion to any publisher or organization to whom the opinion or memorandum decision is provided after the date of the order of expungement.

The supreme court and the court of appeals are not required to redact, destroy, or otherwise dispose of any existing copy of an opinion or memorandum decision that includes the name of the subject of the protection order.

SECTION 8. IC 34-26-7.5-7, AS ADDED BY P.L.219-2019, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 7. A petitioner whose ~~record is~~ **protection order records are** expunged under this chapter:

(1) shall be treated as if the protection order **and petition for protection order** had never been filed; and

(2) may answer truthfully to a question from the petitioner's employer or prospective employer that a petition or order of protection has never been filed against the petitioner.

SECTION 9. IC 35-38-9-2, AS AMENDED BY P.L.219-2019, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) Except as provided in subsection (b) and section 8.5 of this chapter, this section applies only to a person convicted of a misdemeanor, including a Class D felony (for a crime committed before July 1, 2014) or a Level 6 felony (for a crime committed after June 30, 2014) reduced to a misdemeanor.

(b) This section does not apply to the following:

(1) A person convicted of two (2) or more felony offenses that:

(A) involved the unlawful use of a deadly weapon; and

(B) were not committed as part of the same episode of criminal conduct.

(2) A sex or violent offender (as defined in IC 11-8-8-5).

(c) Not earlier than five (5) years after the date of conviction (unless the prosecuting attorney consents in writing to an earlier period) **for the misdemeanor or the felony reduced to a misdemeanor pursuant to IC 35-38-1-1.5 or IC 35-50-2-7,** the person convicted of the misdemeanor **or the felony reduced to a misdemeanor** may petition a court to expunge all conviction records, including records contained in:

(1) a court's files;

(2) the files of the department of correction;

(3) the files of the bureau of motor vehicles; and

(4) the files of any other person who provided treatment or services to the petitioning person under a court order;

that relate to the person's misdemeanor conviction, including records of a collateral action.

(d) A person who files a petition to expunge conviction records, including any records relating to the conviction and any records

concerning a collateral action, shall file the petition in a circuit or superior court in the county of conviction.

(e) If the court finds by a preponderance of the evidence that:

(1) the period required by this section has elapsed;

(2) no charges are pending against the person;

(3) the person has paid all fines, fees, and court costs, and satisfied any restitution obligation placed on the person as part of the sentence; and

(4) the person has not been convicted of a crime within the previous five (5) years (or within a shorter period agreed to by the prosecuting attorney if the prosecuting attorney has consented to a shorter period under subsection (c));

the court shall order the conviction records described in subsection (c), including any records relating to the conviction and any records concerning a collateral action, expunged in accordance with section 6 of this chapter.

SECTION 10. IC 35-38-9-9.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 9.5. (a) This section applies to a collateral action adjudicated or conducted in a county other than the county in which a court granted an expungement.**

(b) Upon receipt of a request to expunge records related to a collateral action and a properly certified expungement order, a circuit or superior court in the county in which the collateral action occurred shall:

(1) notify the prosecuting attorney of the county in which the court is located of the request to expunge records related to a collateral action and set the matter for hearing; or

(2) if it conclusively appears from the court's records that the person is entitled to expungement as described in subsection (c), order the records expunged without a hearing.

(c) The circuit or superior court in the county in which the collateral action was adjudicated or conducted shall order records of the collateral action expunged (for an expungement granted under sections 1 through 3 of this chapter) or marked as expunged (for an expungement granted under sections 4 through 5 of this chapter), unless the court finds that the collateral action does not relate to the expunged arrest or conviction.

(d) A request to expunge records of a collateral action may be made at any time after the original expungement order is issued.

(e) A request to expunge records shall be filed under the cause number of the collateral action, if applicable. A person who requests expungement of records of a collateral action under this section is not required to pay a filing fee, even if the request is filed under a new cause of action.

SECTION 11. IC 35-38-9-10, AS AMENDED BY P.L.219-2019, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 10. (a) This section does not apply to a person to whom sealed records may be disclosed under section 6(a)(3) of this chapter. **With respect to a person seeking employment with a law enforcement agency or a probation or community corrections department, including volunteer employment, subsections (b), (d), (e), and (f) do not apply to the law enforcement agency or the probation or community corrections department.**

(b) It is unlawful discrimination for any person to:

(1) suspend;

(2) expel;

(3) refuse to employ;

(4) refuse to admit;

(5) refuse to grant or renew a license, permit, or certificate necessary to engage in any activity, occupation, or profession; or

(6) otherwise discriminate against;

any person because of a conviction or arrest record expunged or sealed under this chapter.

(c) Except as provided in section 6(f) of this chapter, the civil rights of a person whose conviction has been expunged shall be fully restored, including the right to vote, to hold public office, to be a proper person under IC 35-47-1-7(2), and to serve as a juror.

(d) In any application for employment, a license, or other right or privilege, a person may be questioned about a previous criminal record only in terms that exclude expunged convictions or arrests, such as: "Have you ever been arrested for or convicted of a crime that has not been expunged by a court?".

(e) A person whose record is expunged shall be treated as if the person had never been convicted of the offense. However, upon a

subsequent arrest or conviction for an unrelated offense, the prior expunged conviction:

(1) may be considered by the court in determining the sentence imposed for the new offense;

(2) is a prior unrelated conviction for purposes of:

(A) a habitual offender enhancement; and

(B) enhancing the new offense based on a prior conviction; and

(3) may be admitted as evidence in the proceeding for a new offense as if the conviction had not been expunged.

(f) Any person that discriminates against a person as described in subsection (b) commits a Class C infraction and may be held in contempt by the court issuing the order of expungement or by any other court of general jurisdiction. Any person may file a written motion of contempt to bring an alleged violation of this section to the attention of a court. In addition, the person is entitled to injunctive relief.

(g) In any judicial or administrative proceeding alleging negligence or other fault, an order of expungement may be introduced as evidence of the person's exercise of due care in hiring, retaining, licensing, certifying, admitting to a school or program, or otherwise transacting business or engaging in activity with the person to whom the order of expungement was issued.

(h) A conviction, including any records relating to the conviction and any records concerning a collateral action, that has been expunged under this chapter is not admissible as evidence in an action for negligent hiring, admission, or licensure against a person or entity who relied on the order.

(i) An expungement case, and all documents filed in the case, becomes confidential when the court issues the order granting the petition. However, until the court issues the order granting the petition, documents filed in the case are not confidential, and any hearing held in the case shall be open.

SECTION 12. **An emergency is declared for this act.**

P.L.56-2020
[S.50. Approved March 18, 2020.]

AN ACT to amend the Indiana Code concerning probate.

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

SECTION 1. IC 6-1.1-5-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 7. (a) A person to whom the title to real property has passed, either under the laws of descent of this state or by virtue of the last will of a decedent, may procure a transfer of the real property on the tax duplicate on which the real property is assessed and taxed. In order to procure the transfer, the person must ~~prepare~~ **file** an affidavit ~~and, except as provided in section 9 of this chapter, file it~~ **prepared under IC 29-1-7-23(b)** with the auditor of the county in which the real property is ~~situated.~~ **located and record** the affidavit ~~shall contain the following information:~~ **with the recorder of the county in which the real property is located.**

~~(1) the decedent's date of death;~~

~~(2) whether the decedent died testate or intestate; and~~

~~(3) the affiant's interest in the real property.~~

~~In addition, if the decedent died testate, the affiant must attach a certified copy of the decedent's will to the affidavit. However, if the will has been probated or recorded in the county in which the real property is located, the affiant, in lieu of attaching a certified copy of the will, shall state that fact in the affidavit and indicate the volume and page of the record where the will may be found.~~

~~(b) Except as provided in section 9 of this chapter, the county auditor shall enter a transfer of the real property in the proper transfer book after the affidavit is filed with his office.~~

~~(c)~~ **(b)** No transfer made under this section has the effect of conferring title upon the person procuring the transfer.

SECTION 2. IC 29-1-7-23, AS AMENDED BY P.L.231-2019, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

JULY 1, 2020]: Sec. 23. (a) When a person dies, the person's real and personal property passes to persons to whom it is devised by the person's last will or, in the absence of such disposition, to the persons who succeed to the person's estate as the person's heirs; but it shall be subject to the possession of the personal representative and to the election of the surviving spouse and shall be chargeable with the expenses of administering the estate, the payment of other claims and the ~~allowance is~~ **allowances** under IC 29-1-4-1, except as otherwise provided in IC 29-1.

(b) **A person may sign and record an affidavit to establish** prima facie evidence of the ~~devolution of~~ **passage of** real estate title to distributees under this section. **An affidavit under this section** may ~~be established by an affidavit containing~~ **contain** the following information:

(1) The decedent's name **and date of death.**

(2) ~~The decedent's date of death.~~ **A statement of the affiant's relationship to the decedent.**

(3) A description of ~~the most recent~~ **how the following deeds or other instruments vested in the decedent an ownership or leasehold interest in real property, with a cross-reference if applicable, under IC 36-2-7-10(l) to each deed or other** instrument:

(A) Deeds or other instruments recorded in the office of the recorder ~~of the county~~ where the real ~~estate~~ **property** is located.

(B) Deeds or other instruments that disclose a title transaction (as defined in IC 32-20-2-7).

~~(4) A description of the most recent instrument responsible for conveying title to the real estate.~~

~~(5)~~ **(4)** ~~A~~ **The legal** description of the conveyed real ~~estate~~ **property** as it appears in ~~the instrument~~ **instruments** described in subdivision ~~(4).~~ **(3).**

(5) The names of all distributees known to the affiant.

(6) ~~Identifying information unique to~~ **An explanation of how each interest in** the ~~instrument or instruments described in subdivisions (3) and (4), as applicable, that may be used by the recorder to identify the instrument or instruments, as applicable, in the recorder's records.~~

~~(7) An explanation of how title~~ **real property** ~~devolved~~ **passed upon the decedent's death** to each distributee ~~under this section, including a recitation of devolution~~ by:

(A) intestate ~~transfer~~ **succession** under IC 29-1-2-1; or

(B) ~~a~~ **the** decedent's last will and testament that has been admitted to probate under section ~~9~~ **13** of this chapter, **with references to:**

(i) the name and location of the court that issued the order admitting the will to probate; and

(ii) the date when the court admitted the decedent's will to probate.

~~(8) A statement that establishes that:~~

~~(A) at least seven (7) months have elapsed since the decedent's death;~~

~~(B) no letters testamentary or letters of administration have been issued to a court appointed personal representative for the decedent within the time limits specified under section 15.1(d) of this chapter; and~~

~~(C) a probate court has not issued findings and an accompanying order preventing the limitations in section 15.1(b) of this chapter from applying to the decedent's real property.~~

~~(9) The name of each distributee known to the affiant.~~

~~(10)~~ **(7)** An explanation of how ~~each portion of the~~ **any** fractional ~~interest~~ **interests in the real property** that may have ~~devolved among~~ **passed to** multiple distributees ~~known to the affiant was~~ **were** calculated **and apportioned.**

(c) Upon presentation of an affidavit described in subsection (b), the auditor of the county where the real ~~estate~~ **property** described in ~~subsection (b)~~ **the affidavit** is located must endorse the affidavit ~~and record the estate title transfer in the auditor's real estate ownership records~~ as an instrument that is exempt from the requirements to file a sales disclosure **form and must enter the names of the distributees shown on the affidavit on the tax duplicate on which the real property is transferred, assessed, and taxed under IC 6-1.1-5-7.**

(d) Upon presentation of an affidavit described in subsection (b), the recorder of the county where the real ~~estate~~ **property** described in ~~subsection (b)~~ **the affidavit** is located must:

(1) record the affidavit; and

(2) index the affidavit as the most recent instrument responsible for the transfer of the real ~~estate~~ **property** described in subsection ~~(b).~~ **(b)(4).**

(e) Any person may rely upon an affidavit **recorded with the county recorder:**

(1) made in good faith; and

(2) under this section;

as **prima facie** evidence of an effective transfer of **the decedent's** title **to the real property interest under subsection (a) to the distributee described in the affidavit.**

(f) If:

(1) at least seven (7) months have elapsed since the decedent's death;

(2) the clerk of the court described in subsection (b)(6)(B) has not issued letters testamentary or letters of administration to the court appointed personal representative for the decedent within the time limits specified under section 15.1(d) of this chapter; and

(3) the court described in subsection (b)(6)(B) has not issued findings and an accompanying order preventing the limitations in section 15.1(b) of this chapter from applying to the decedent's real property;

any person may rely upon the affidavit described in subsection (e) as evidence that the real property may not be sold by an executor or administrator of the decedent's estate to pay a debt or obligation of the decedent, which is not a lien of record ~~(as defined in IC 32-20-3-1).~~ **in the county in which the real property is located, or to pay any costs of administration of the decedent's estate.**

SECTION 3. IC 29-1-7-24, AS AMENDED BY P.L.86-2018, SECTION 211, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 24. Except as provided in ~~IC 29-1-8-1, IC 29-1-8-2, IC 29-1-8-3, and~~ IC 29-1-13-2, no will is effective for the purpose of proving title to, or the right to the possession of, any real or personal property disposed of by the will, until it has been admitted to probate.

SECTION 4. IC 29-1-8-1, AS AMENDED BY P.L.231-2019, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

JULY 1, 2020]: Sec. 1. (a) Forty-five (45) days after the death of a decedent and upon being presented an affidavit that complies with subsection (b), a person:

(1) indebted to the decedent; or

(2) having possession of personal property or an instrument evidencing a debt, an obligation, a stock, or a chose in action belonging to the decedent;

shall make payment of the indebtedness or deliver the personal property or the instrument evidencing a debt, an obligation, a stock, or a chose in action to a distributee claiming to be entitled to payment or delivery of property of the decedent as alleged in the affidavit.

(b) The affidavit required by subsection (a) must be an affidavit made by or on behalf of the distributee and must state the following:

(1) That the value of the gross probate estate, wherever located, (less liens, encumbrances, and reasonable funeral expenses) does not exceed:

(A) twenty-five thousand dollars ($25,000), for the estate of an individual who dies before July 1, ~~2007.~~ **2006;** and

(B) fifty thousand dollars ($50,000), for the estate of an individual who dies after June 30, ~~2007.~~ **2006.**

(2) That forty-five (45) days have elapsed since the death of the decedent.

(3) That no application or petition for the appointment of a personal representative is pending or has been granted in any jurisdiction.

(4) The name and address of each distributee that is entitled to a share of the property and the part of the property to which each distributee is entitled.

(5) That the affiant has notified each distributee identified in the affidavit of the affiant's intention to present an affidavit under this section.

(6) That the affiant is entitled to payment or delivery of the property on behalf of each distributee identified in the affidavit.

(c) If a motor vehicle or watercraft (as defined in IC 9-13-2-198.5) is part of the estate, nothing in this section shall prohibit a transfer of the certificate of title to the motor vehicle if five (5) days have elapsed since the death of the decedent and no appointment of a personal representative is contemplated. A transfer under this subsection shall

be made by the bureau of motor vehicles upon receipt of an affidavit containing a statement of the conditions required by subsection (b)(1) and (b)(6). The affidavit must be duly executed by the distributees of the estate.

(d) A transfer agent of a security shall change the registered ownership on the books of a corporation from the decedent to a distributee upon the presentation of an affidavit as provided in subsection (a).

(e) For the purposes of subsection (a), an insurance company that, by reason of the death of the decedent, becomes obligated to pay a death benefit to the estate of the decedent is considered a person indebted to the decedent.

(f) For purposes of subsection (a), property in a safe deposit box rented by a decedent from a financial institution organized or reorganized under the law of any state (as defined in IC 28-2-17-19) or the United States is considered personal property belonging to the decedent in the possession of the financial institution.

(g) For purposes of subsection (a), a distributee has the same rights as a personal representative under IC 32-39 to access a digital asset (as defined in IC 32-39-1-10) of the decedent.

SECTION 5. IC 29-1-8-3, AS AMENDED BY P.L.231-2019, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 3. (a) As used in this section, "fiduciary" means:

(1) the personal representative of an unsupervised estate; or

(2) a person appointed by a court under this title to act on behalf of the decedent or the decedent's distributees.

(b) Except as otherwise provided in this section, if the value of a decedent's gross probate estate, less liens and encumbrances, does not exceed the sum of:

(1) an amount equal to:

(A) twenty-five thousand dollars ($25,000), for the estate of an individual who dies before July 1, ~~2007;~~ **2006;** and

(B) fifty thousand dollars ($50,000), for the estate of an individual who dies after June 30, ~~2007;~~ **2006;**

(2) the costs and expenses of administration; and

(3) reasonable funeral expenses;

the fiduciary, without giving notice to creditors, may file a closing statement as provided in section 4 of this chapter and disburse and

distribute the estate to the persons entitled to it, as provided in section 4 of this chapter.

(c) If an estate described in subsection (a) includes real property, an affidavit may be recorded in the office of the recorder in the county in which the real property is located. The affidavit must contain the following:

(1) The legal description of the real property.

(2) The following ~~statement:~~ **statements:**

(A) If the individual dies after June 30, ~~2007~~ **2006,** the following statement: "It appears that the decedent's gross probate estate, less liens and encumbrances, does not exceed the sum of the following: fifty thousand dollars ($50,000), the costs and expenses of administration, and reasonable funeral expenses.".

(B) If the individual dies before July 1, ~~2007,~~ **2006,** the following statement: "It appears that the decedent's gross probate estate, less liens and encumbrances, does not exceed the sum of the following: twenty-five thousand dollars ($25,000), the costs and expenses of administration, and reasonable funeral expenses.".

(3) The name of each person entitled to at least a part interest in the real property as a result of a decedent's death, the share to which each person is entitled, and whether the share is a divided or undivided interest.

(4) A statement which explains how each person's share has been determined.

SECTION 6. IC 29-1-8-4, AS AMENDED BY P.L.231-2019, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 4. (a) As used in this section, "fiduciary" means:

(1) the personal representative of an unsupervised estate; or

(2) a person appointed by a court under this title to act on behalf of the decedent or the decedent's distributees.

(b) Unless prohibited by order of the court and except for estates being administered by supervised personal representatives, a fiduciary may close an estate administered under the summary procedures of section 3 of this chapter by filing with the court, at any time after disbursement and distribution of the estate, a verified statement stating that:

(1) to the best knowledge of the fiduciary, the value of the gross probate estate, less liens and encumbrances, did not exceed the sum of:

(A) twenty-five thousand dollars ($25,000), for the estate of an individual who dies before July 1, ~~2007,~~ **2006,** and fifty thousand dollars ($50,000), for the estate of an individual who dies after June 30, ~~2007;~~ **2006;**

(B) the costs and expenses of administration; and

(C) reasonable funeral expenses;

(2) the fiduciary has fully administered the estate by disbursing and distributing it to the persons entitled to it; and

(3) the fiduciary has sent a copy of the closing statement to all distributees of the estate and to all creditors or other claimants of whom the fiduciary is aware and has furnished a full accounting in writing of the administration to the distributees whose interests are affected.

(c) If no actions, claims, objections, or proceedings involving the fiduciary are filed in the court within two (2) months after the closing statement is filed, the fiduciary may immediately disburse and distribute the estate free from claims to the persons entitled to the disbursement and distribution. After disbursing and distributing an estate, the fiduciary must file a report in the court of the disbursement and distribution. The appointment of the personal representative or the duties of the fiduciary, as applicable, shall terminate upon the filing of the report.

(d) A closing statement filed under this section has the same effect as one (1) filed under IC 29-1-7.5-4.

(e) A copy of any affidavit recorded under section 3(c) of this chapter must be attached to the closing statement filed under this section.

SECTION 7. IC 29-3-9-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 7. (a) Whenever it is proposed to compromise any claim by or against a protected person or the protected person's property, the court, on petition of the guardian, may enter an order authorizing the compromise to be made if satisfied that the compromise will be in the best interest of the protected person.

(b) Whenever a minor has a disputed claim against another person, whether arising in contract, tort, or otherwise, and a guardian for the

minor and the minor's property has not been appointed, the parents of the minor may compromise the claim. However, before the compromise is valid, it must be approved by the court upon filing of a petition requesting the court's approval. If the court approves the compromise, it may direct that the settlement be paid in accordance with IC 29-3-3-1. If IC 29-3-3-1 is not applicable, the court shall require that a guardian be appointed and that the settlement be delivered to the guardian upon the terms that the court directs.

(c) Any exhibit demonstrating a compromise on behalf of a protected person or a minor and any testimony related to such compromise that is offered or admitted into evidence in a legal proceeding commenced under this section shall be maintained by the court as a confidential court record. The confidential exhibits and record may not be used in any other proceeding or for any other person.

(d) Subsection (c) does not prohibit the following persons from having access to the confidential exhibits and record for the purpose of learning, confirming, and enforcing the economic terms of the compromise, for the purpose of enforcing or modifying any trust that is funded under the compromise, or for the purpose of obtaining a qualified order with respect to a structured settlement under IC 34-50-2 and 26 U.S.C. 5891(b):

(1) The attorney of record for the incapacitated person or minor.

(2) A guardian or guardian ad litem appointed for the incapacitated person or minor by a court of competent jurisdiction, and the attorney, if any, for the guardian or guardian ad litem.

(3) Each current trustee or trust director that participates in the administration of a trust funded under the compromise and the attorneys of record for each current trustee or trust director.

(4) A prospective successor trustee or successor trust director that is proposed to serve in the administration of a trust funded under the compromise.

SECTION 8. IC 30-4-1.5-4, AS ADDED BY P.L.40-2018, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 4. (a) Any of the following persons may create a

valid inter vivos trust by electronically signing an electronic trust instrument, **with no witness requirement or acknowledgment before any notary public,** ~~that~~ **if the electronic trust instrument** sufficiently states the terms of the trust in compliance with IC 30-4-2-1(b):

(1) A settlor.

(2) An agent of a settlor who is an attorney in fact.

(3) A person who holds a power of appointment that is exercisable by appointing money or property to the trustee of a trust.

(4) An adult who:

(A) is not a trustee named in the electronic trust instrument; and

(B) electronically signs the electronic trust instrument:

(i) at the settlor's direction; and

(ii) in the direct physical presence of the settlor.

If an adult electronically signs the trust instrument under subdivision (4), the trust instrument must indicate that the adult signer is signing at the direction of the settlor and in the settlor's direct physical presence. For all purposes under this article, a trust instrument electronically signed under subdivisions (1), (2), or (4) is the creation of the named settlor.

~~The electronic signature of the settlor or other person creating the trust is not required to be acknowledged or witnessed by a notary.~~

(b) The following persons may use the electronic record associated with an electronic trust instrument to make a complete converted copy of an electronic trust instrument immediately after its execution or at a later time when a complete and intact electronic record is available:

(1) The settlor.

(2) A trustee who accepts appointment under the electronic trust instrument.

(3) An attorney representing the settlor or the trustee.

(4) Any other person authorized by the settlor.

If a complete converted copy is generated from a complete and intact electronic record associated with an electronic trust instrument, the person who generates the complete converted copy is not required to sign the affidavit described in subsection (d).

(c) If:

(1) a person discovers an accurate but incomplete copy of an electronic trust instrument;

(2) the electronic record for the electronic trust instrument becomes:

(A) lost; or

(B) corrupted; or

(3) freedom from tampering or unauthorized alteration cannot be authenticated or verified;

a living settlor, attorney, custodian, or person responsible for the discovery of the incomplete electronic trust instrument may prepare a complete converted copy of the electronic trust instrument using all available information if the person creating the complete converted copy of the electronic trust instrument has access to a substantially complete, nonelectronic copy of the electronic trust instrument.

(d) A person who creates a complete converted copy of an electronic trust instrument under subsection (c) shall sign an affidavit that affirms or specifies, as applicable, the following:

(1) The date the electronic trust instrument was created.

(2) The time the electronic trust instrument was created.

(3) How the incomplete electronic trust instrument was discovered.

(4) The method and format used to store the original electronic record associated with the electronic trust instrument.

(5) The methods used, if any, to prevent tampering or the making of unauthorized alterations to the electronic record or electronic trust instrument.

(6) Whether the electronic trust instrument has been altered since its creation.

(7) Confirmation that an electronic record, including the document integrity evidence, if any, was created at the time the settlor made the electronic trust instrument.

(8) Confirmation that the electronic record has not been altered while in the custody of the current custodian or any prior custodian.

(9) Confirmation that the complete converted copy is a complete and correct duplication of the electronic trust instrument and the date, place, and time of its execution by the settlor or the settlor's authorized agent.

(e) A complete converted copy derived from a complete and correct electronic trust instrument may be docketed under IC 30-4-6-7 or, absent any objection, offered and admitted as evidence of the trust's terms in the same manner as the original and traditional paper trust instrument of the settlor. Whenever this article permits or requires the trustee of a trust to provide a copy of a trust instrument to a beneficiary or other interested person, the trustee may provide a complete converted copy of the electronic trust instrument. A complete and converted copy is conclusive evidence of the trust's terms unless otherwise determined by a court in an order entered upon notice to all interested persons and after an opportunity for a hearing.

SECTION 9. IC 30-4-2-1, AS AMENDED BY P.L.51-2014, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1. (a) A trust in either real or personal property is enforceable only if there is written evidence of the terms of the trust bearing the signature of **any of the following persons:**

(1) The settlor. ~~or~~

(2) The settlor's authorized agent.

(3) An adult who:

(A) is not a trustee named in the trust's written terms; and

(B) signs the trust's written terms:

(i) at the settlor's direction; and

(ii) in the direct physical presence of the settlor.

If an adult signs at the settlor's direction under subdivision (3), the written evidence of the trust's terms must identify that adult signer and must state that the adult is signing at the direction of the settlor and in the settlor's direct physical presence.

(b) Except as required in the applicable probate law for the execution of wills, no formal language is required to create a trust, but the terms of the trust must be sufficiently definite so that the trust property, the identity of the trustee, the nature of the trustee's interest, the identity of the beneficiary, the nature of the beneficiary's interest and the purpose of the trust may be ascertained with reasonable certainty.

(c) It is not necessary to the validity of a trust that the trust be funded with or have a corpus that includes property other than the present or future, vested or contingent right of the trustee to receive proceeds or property, including:

(1) as beneficiary of an estate under IC 29-1-6-1;
(2) life insurance benefits under section 5 of this chapter;
(3) retirement plan benefits; or
(4) the proceeds of an individual retirement account.

(d) A trust created under:
(1) section 18 of this chapter for the care of an animal; or
(2) section 19 of this chapter for a noncharitable purpose;

has a beneficiary.

(e) A trust has a beneficiary if the beneficiary can be presently ascertained or ascertained in the future, subject to any applicable rule against perpetuities.

(f) A power of a trustee to select a beneficiary from an indefinite class is valid. If the power is not exercised within a reasonable time, the power fails and the property subject to the power passes to the persons who would have taken the property had the power not been conferred.

(g) A trust may be created by exercise of a power of appointment in favor of a trustee.

SECTION 10. IC 30-4-3-6, AS AMENDED BY P.L.231-2019, SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 6. (a) The trustee has a duty to administer a trust according to the terms of the trust.

(b) Unless the terms of the trust or the provisions of section 1.3 of this chapter provide otherwise, the trustee also has a duty to do the following:

(1) Administer the trust in a manner consistent with IC 30-4-3.5.
(2) Take possession of and maintain control over the trust property.
(3) Preserve the trust property.
(4) Make the trust property productive for both the income and remainder beneficiary. As used in this subdivision, "productive" includes the production of income or investment for potential appreciation.
(5) Keep the trust property separate from the trustee's individual property and separate from or clearly identifiable from property subject to another trust.
(6) Maintain clear and accurate accounts with respect to the trust estate.

(7) Except as provided in subsection (c), keep the following beneficiaries reasonably informed about the administration of the trust and of the material facts necessary for the beneficiaries to protect their interests:

(A) A current income beneficiary.

(B) A beneficiary who will become an income beneficiary upon the expiration of the term of the current income beneficiary, if the trust has become irrevocable by:

(i) the terms of the trust instrument; or

(ii) the death of the settlor.

A trustee satisfies the requirements of this subdivision by providing a beneficiary described in clause (A) or (B), upon the beneficiary's written request, access to the trust's accounting and financial records concerning the administration of trust property and the administration of the trust.

(8) Upon:

(A) the trust becoming irrevocable:

(i) by the terms of the trust instrument; or

(ii) by the death of the settlor; and

(B) the written request of an income beneficiary or remainderman;

promptly provide a copy of the complete trust instrument to the income beneficiary or remainderman. This subdivision does not prohibit the terms of the trust from requiring the trustee to separately provide each beneficiary only the portions of the trust instrument that describe or pertain to that beneficiary's interest in the trust and the administrative ~~provision~~ **provisions** of the trust instrument that ~~pertains~~ **pertain** to all beneficiaries of the trust.

(9) Take whatever action is reasonable to realize on claims constituting part of the trust property.

(10) Defend actions involving the trust estate.

(11) Supervise any person to whom authority has been delegated.

(12) Determine the trust beneficiaries by acting on information:

(A) the trustee, by reasonable inquiry, considers reliable; and

(B) with respect to heirship, relationship, survivorship, or any other issue relative to determining a trust beneficiary.

(c) The terms of a trust may expand, restrict, eliminate, or otherwise vary the right of a beneficiary to be informed of the beneficiary's

interest in a trust for a period of time, including a period of time related to:

(1) the age of the beneficiary;

(2) the lifetime of a settlor or the spouse of a settlor;

(3) a term of years or a period of time ending on a specific date; or

(4) a specific event that is certain to occur.

(d) During any period of time that the trust instrument restricts or eliminates the right of a beneficiary to be informed of the beneficiary's interest in a trust, a designated representative for the beneficiary:

(1) shall represent that beneficiary and bind that beneficiary's interests for purposes of any judiciary proceeding or nonjudicial matter involving the trust unless the court finds, after a hearing upon notice, that a conflict of interest exists between the beneficiary and the designated representative; ~~and~~

(2) has the authority to initiate or defend and participate in any proceeding relating to the trust under this article or under IC 30-2 on behalf of the beneficiary; **and**

(3) shall not disclose to the beneficiary the information provided by the trustee unless the court orders disclosure or the trustee agrees to the disclosure.

An alleged conflict of interest between a beneficiary and the beneficiary's designated representative may be asserted to the court by the beneficiary whose right to be informed of the beneficiary's interest in a trust is restricted or eliminated in the trust instrument or by any other person authorized to represent and bind that beneficiary's interest under IC 30-4-6-10.5.

(e) If:

(1) a beneficiary is an adult and has not been adjudicated to be an incapacitated person;

(2) the trust instrument restricts or eliminates the right of the beneficiary to be informed of the beneficiary's interest in a trust; and

(3) the beneficiary discovers **material** information about the beneficiary's interest in the trust from sources other than the trustee;

subsections (c) and (d) do not prohibit the beneficiary from demanding **or petitioning for an accounting or statement regarding the trust**

under IC 30-4-5-12(c), from receiving a copy of all relevant portions of the trust instrument, or from demanding and receiving, **under subsection (b)(7), other** information about the trust and its administration ~~under subsection (b)(7), including a copy of all relevant portions of the trust instrument, or an accounting or statement regarding the trust under IC 30-4-5-12(c).~~ **that is consistent with the content and scope of the information that the beneficiary received from sources other than the trustee.** The beneficiary may also initiate and participate in any proceeding against or with the trustee under this chapter.

SECTION 11. IC 30-4-5-14.5, AS AMENDED BY P.L.231-2019, SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 14.5. (a) A trustee may obtain a nonjudicial settlement of its accounts in accordance with subsection (b) when:

(1) a trust terminates pursuant to the terms of the trust;

(2) a trust terminates early pursuant to IC 30-4-3-24.5;

(3) a trustee resigns or is removed; or

(4) a trustee seeks discharge of an interim accounting period when the trust is continuing.

(b) A trustee who elects to proceed under this section shall provide the following to the qualified beneficiaries of the trust and a successor trustee, if applicable, within a reasonable time after termination of the trust pursuant to its terms, the resignation or removal of the trustee, or the end of the period for which the trustee is seeking discharge:

(1) A statement showing the fair market value of the ~~new~~ **net** assets to be distributed from a terminating trust or to a successor trustee.

(2) A trust accounting for the prior three (3) years showing all receipts and disbursements and inventory value of the net assets.

(3) An estimate for any items reasonably anticipated to be received or disbursed.

(4) The amount of any fees, including trustee fees, remaining to be paid.

(5) Notice that the trust is terminating, or that the trustee has resigned or been removed, the time period for which the trustee seeks discharge of its accounts, and a statement providing that claims against a trustee under IC 30-4-6-12 and IC 30-4-6-14, if

applicable, shall be barred if no objections are received within the time period described in subsection (c).

(6) The name and mailing address of the trustee.

(7) The name and telephone number of a person who may be contacted for additional information.

The trustee may also provide the statement and notice described in this subsection to any other person who the trustee reasonably believes may have an interest in the trust.

(c) If, after receiving the notice and trust information described in subsection (b), a qualified beneficiary objects to a disclosed act or omission, the qualified beneficiary shall provide written notice of the objection to the trustee not later than sixty (60) days after the notice was sent by the trustee. If no written objection is provided in the sixty (60) day time period, the information provided under subsection (b) shall be considered approved by the recipient. The trustee shall, in the case of a trust terminating pursuant to the terms of the trust or the trustee's resignation or removal, within a reasonable period of time following the expiration of the sixty (60) day time period, distribute the assets as provided in the trust or to the successor trustee. If a qualified beneficiary gives the trustee a written objection within the applicable sixty (60) day time period, the trustee or the qualified beneficiary may:

(1) submit the written objection to the court for resolution and charge the expense of commencing a proceeding to the trust; or

(2) resolve the objection by a nonjudicial settlement agreement under section 25 of this chapter, or otherwise.

Any agreement entered into pursuant to subdivision (2) may include a release, an indemnity clause, or both, on the part of the beneficiary against the trustee relating to the trust. If the parties agree to a nonjudicial settlement agreement under section 25 of this chapter, any related expenses shall be charged to the trust. Upon a resolution of an objection under this subsection, within a reasonable period of time, the trustee shall distribute the remaining trust assets as provided in the trust or to the successor trustee.

(d) The trustee may rely upon the written statement of a person receiving notice that the person does not object.

(e) When a trustee distributes assets of a terminating trust or to a successor trustee after complying with the provisions of this article and having received no objections, each person who received notice and

either consented or failed to object pursuant to this section is barred from:

(1) bringing a claim against the trustee or challenging the validity of the trust to the same extent and with the same preclusive effect as if the court had entered a final order approving the trustee's final account; or

(2) bringing a claim against the trustee for the period of such interim accounts to the same extent and with the same preclusive effect as if the court had entered a final order approving the trustee's interim accounts.

(f) A trustee may not request that a beneficiary indemnify the trustee against loss in exchange for the trustee forgoing a request to the court to approve its accounts at the time that the trust terminates, or at the time the trustee resigns or is removed, except as agreed upon by the parties pursuant to subsection (c).

(g) The court that exercises probate jurisdiction shall have exclusive jurisdiction over matters under this section.

(h) IC 30-4-6-10.5 shall apply to this section.

(i) Nothing in this section shall preclude a trustee from proceeding under IC 30-4-3-18(b) to have the trustee's accounts reviewed and settled by the court.

SECTION 12. IC 30-4-8-1, AS ADDED BY P.L.221-2019, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1. (a) Subject to the limitations set forth in subsection (b), this chapter applies to:

(1) qualified dispositions to legacy trusts; and

(2) dispositions by transferors who are trustees;

that are made after June 30, 2019.

(b) This chapter does not apply to:

(1) any assets that are listed on an application or financial statement completed by the transferor and which is submitted to a lender in connection with a request to obtain or maintain credit from the lender; or

(2) any assets of a legacy trust that are listed on an application or financial statement completed on behalf of the legacy trust and which is submitted to a lender in connection with a request to obtain or maintain credit from the lender on behalf of the legacy trust.

In the event that assets described in subsection (b)(1) are later transferred to a legacy trust and a default occurs under the loan or extension of credit, either before or after the transfer or disposition under the legacy trust, the lender shall be entitled to proceed against any assets listed on the applications or financial statements which were submitted in connection with the loan, or any modifications, amendments, or renewals of the loan. Nothing in this chapter shall prohibit such action. A change in the character, form, or ownership of the assets described in subsection (b)(1) shall in no way make subsection (b)(1) inapplicable. **This subsection shall apply only to the lender that extended credit based on the application or financial statement submitted to the lender and the indebtedness or any portion of the indebtedness owed to the lender remains unpaid.**

SECTION 13. IC 30-4-8-8, AS AMENDED BY P.L.231-2019, SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 8. (a) Except as provided in subsection (e), a claim against property that is the subject of a qualified disposition to a legacy trust is barred by section 7 of this chapter unless the claim is one (1) of the following:

(1) Except as provided in subsection (b), an action brought in Indiana under the Uniform Fraudulent Transfer Act (IC 32-18-2) in which the requirements for recovery under the act are met by clear and convincing evidence.

(2) An action to enforce the child support obligations of the transferor under a judgment or court order.

(3) A court judgment or order for the division of property in a dissolution of the transferor's marriage or a legal separation between the transferor and the transferor's spouse, if the transferor's **qualified** distribution to the legacy trust was made:

(A) after the date of the transferor's marriage that is subject to the dissolution or legal separation; or

(B) within thirty (30) days before the date of the transferor's marriage that is subject to the dissolution or legal separation unless the transferor provided written notice of the qualified disposition to the other party to the marriage at least three (3) days before making the qualified disposition.

(b) A claim brought under an action described in subsection (a)(1) is extinguished unless:

(1) the creditor's claim arose before the qualified disposition to a legacy trust was made and the action is brought not later than the later of:

(A) two (2) years after the transfer was made; or

(B) six (6) months after the transfer:

(i) was recorded or made a public record; or

(ii) if not recorded or made a public record, was discovered or could have reasonably been discovered by the creditor; or

(2) notwithstanding IC 32-18-2-19, the creditor's claim arose concurrent with or after the qualified disposition and the action is brought not more than two (2) years after the date of the qualified disposition.

(c) A qualified disposition made by a transferor who is a trustee is considered for purposes of this chapter to have been made on the date that the property that is subject to the qualified disposition was originally transferred in trust to the trustee or any predecessor trustee and the condition set forth in section 4(3) of this chapter is satisfied.

(d) If more than one (1) qualified disposition is made by means of the same legacy trust:

(1) the making of a subsequent qualified disposition is disregarded when determining whether a creditor's claim with respect to a prior qualified disposition is extinguished under subsection (b); and

(2) any distribution to a beneficiary is considered to have been made from the latest qualified disposition.

(e) If the state of Indiana is a creditor of a transferor, then notwithstanding subsection (a)(1) and subsection (b), the state of Indiana may bring an action against a qualified trustee to assert a claim against or to recover property that is the subject of a qualified disposition by proceeding under the Indiana Uniform Fraudulent Transfer Act, subject to the standard of evidence in IC 32-18-2-14 and IC 32-18-2-15, and the limitation periods in IC 32-18-2-19.

SECTION 14. IC 30-4-8-16, AS AMENDED BY P.L.231-2019, SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 16. (a) Nothing in this chapter shall be construed to prohibit a lender from enforcing its rights in property identified in section 1(b) of this chapter and, to the extent necessary, naming the

legacy trust or trustee of the trust as a defendant to the action or proceeding.

(b) If an asset described in section 1(b)(1) of this chapter is transferred to a legacy trust or trustee of a legacy trust, the transferor of that asset must send written notice of the transfer to the pertinent lender within fifteen (15) days after that transfer. The transferor must send the notice by certified mail, return receipt requested, to the registered agent for the lender. If there is no registered agent for the lender, the transferor must send notice to one (1) of the following:

(1) The last known address of the lender.

(2) The last address specified by the lender for mailing payments on the obligations.

(3) The address specified by the lender for general inquiries by customers.

The notice must include the name of the transferor, a description of the asset transferred, the name of the trustee, and the date that the transfer was completed. Upon request, the transferor or trustee shall provide the lender with a certification of the trust under IC 30-4-4-5, the names and addresses of the qualified beneficiaries of the trust, and copies of the pages from the trust instrument that identify the current trustee and describe the trustee's administrative powers and duties.

(c) Nothing in this chapter shall be construed to authorize any disposition that is prohibited by the terms of any agreements, notes, guaranties, mortgages, indentures, instruments, undertakings, or other documents. Any provisions that prohibit such transfer or disposition shall be binding and shall make this chapter inapplicable, **so long as any indebtedness remains outstanding in connection with such agreements, notes, guaranties, mortgages, indentures, instruments, undertakes, or other similar documents.**

(d) In the event of a conflict between this section and any other provision of this chapter, this section shall control.

SECTION 15. IC 32-17-13-7, AS AMENDED BY P.L.231-2019, SECTION 41, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 7. (a) This subsection applies to a proceeding commenced under this chapter and a deceased transferor who died before July 1, 2018, if the personal representative or claimant commences the proceeding before January 1, 2020. A proceeding under this chapter may not be commenced unless the personal

representative of the deceased transferor's estate has received a written demand for the proceeding from ~~the surviving spouse or a surviving child to the extent that statutory allowances or a creditor are affected.~~ **a claimant.**

(b) This subsection applies to a proceeding commenced under this chapter and a deceased transferor who died before July 1, 2018, if the personal representative or claimant commences the proceeding before January 1, 2020, and the claimant files a timely claim in the deceased transferor's estate before July 1, 2018. If the personal representative declines or fails to commence a proceeding within sixty (60) days after receiving the demand, a person making the demand may commence the proceeding in the name of the decedent's estate at the expense of the person making the demand.

(c) This subsection applies to a proceeding commenced under this chapter and a deceased transferor who died before July 1, 2018, if the personal representative or claimant commences the proceeding before January 1, 2020, and the claimant files a timely claim in the deceased transferor's estate before July 1, 2018. A personal representative who declines, in good faith, to commence a requested proceeding incurs no personal liability for declining to commence a proceeding.

(d) This subsection applies to a proceeding commenced under this chapter with respect to a deceased transferor who dies ~~on or~~ after June 30, 2018. A proceeding under this chapter may not be commenced unless:

(1) the claimant files a claim in the deceased transferor's estate and delivers a copy of the claim to each nonprobate transferee known by the claimant not later than five (5) months after the deceased transferor's death;

(2) the claimant delivers a written demand for the proceeding to:

(A) the personal representative of the deceased transferor's estate; and

(B) each known nonprobate transferee; and

(3) except as provided in subsection (j), the written demand has been filed in the estate not later than seven (7) months after the deceased transferor's death.

(e) This subsection applies to a proceeding commenced under this chapter and concerning a deceased transferor who dies ~~on or~~ after June 30, 2018. The written demand must include the following information:

(1) The cause number of the deceased transferor's estate.

(2) A statement of the claimant's interest in the deceased transferor's estate and nonprobate transfers, including the date on which the claimant filed a claim in the deceased transferor's estate.

(3) A copy of the claim attached as an exhibit to the written demand.

(4) A description of the nonprobate transfer, including:

(A) a description of the transferred asset, as the asset would be described under IC 29-1-12-1, regardless of whether the asset is part of the decedent's probate estate, subject to the redaction requirements of the Indiana administrative rules, established by the Indiana supreme court;

(B) a description or copy of the instrument by which the deceased transferor established the nonprobate transfer, subject to the redaction requirements of the Indiana administrative rules, established by the Indiana supreme court; and

(C) the name and mailing address of each nonprobate transferee known by the claimant.

(f) This subsection applies to a proceeding commenced under this chapter and concerning a deceased transferor who dies ~~on or~~ after June 30, 2018. A proceeding under this chapter may not be commenced on behalf of a claimant if the personal representative has neither allowed nor disallowed the claimant's claim within the deadlines in IC 29-1-14-10(a) and IC 29-1-14-10(b), unless the claimant's petition to set the claim for trial in the probate court under IC 29-1-14-10(e) has been filed within thirty (30) days after the expiration of the deadlines applicable to the allowance or disallowance of claims under IC 29-1-14-10(a) and IC 29-1-14-10(b).

(g) If the personal representative declines or fails to commence a proceeding under this chapter within thirty (30) days after receiving the written demand required under subsection (a) or (d), a person making the demand may commence the proceeding in the name of the deceased transferor's estate at the expense of the person making the demand and not of the estate.

(h) A personal representative who declines in good faith to commence a requested proceeding incurs no personal liability for declining.

(i) Nothing in this section shall affect or prevent any action or proceeding to enforce a valid and otherwise enforceable lien, warrant, mortgage, pledge, security interest, or other comparable interest against property included in a nonprobate transfer.

(j) This subsection applies to a proceeding commenced under this chapter and concerning a deceased transferor who dies ~~on or~~ after June 30, 2018. A claimant may file the written demand required in subsection (a) or (d) concurrently with the claimant's filing of a claim in the deceased transferor's estate, but the claimant shall deliver the written demand not later than the later of:

(1) seven (7) months after the deceased transferor's death; or

(2) thirty (30) days after the final allowance of the claimant's claim.

P.L.57-2020

[S.132. Approved March 18, 2020.]

AN ACT to amend the Indiana Code concerning public safety.

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

SECTION 1. IC 9-18.5-23-1, AS ADDED BY P.L.198-2016, SECTION 327, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2021]: Sec. 1. The bureau shall design and issue a ~~safety~~ first **responder** license plate. The ~~safety~~ first **responder** license plate shall:

(1) be designed and issued as a special group recognition license plate under IC 9-18.5-12; and

(2) replace the emergency medical services license plate issued by the bureau.

SECTION 2. IC 9-18.5-23-2, AS ADDED BY P.L.198-2016, SECTION 327, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2021]: Sec. 2. A person that is eligible to register a vehicle under this title is eligible to receive a ~~safety~~ first **responder** license plate under this chapter upon doing the following:

(1) Completing an application for a ~~safety~~ first **responder** license plate.

(2) Paying the fees under section 3 of this chapter.

SECTION 3. IC 9-18.5-23-3, AS ADDED BY P.L.198-2016, SECTION 327, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2021]: Sec. 3. (a) The fees for a ~~safety~~ first **responder** license plate are as follows:

(1) An annual supplemental fee of fifteen dollars ($15) under IC 9-18.5-12-16.

(2) An annual fee of not more than twenty-five dollars ($25) as provided in IC 9-18.5-12-14(d)(2) or IC 9-18.5-12-15(b).

(b) The annual fee referred to in subsection (a)(2) shall be collected by the bureau and deposited in the fund established under IC 10-15-3-1.

SECTION 4. IC 10-19-1-1.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 1.5. "Application", for purposes of IC 10-19-2.1, means an application for:**

(1) a permit;

(2) a registration;

(3) a variance;

(4) an authorization;

(5) a license;

(6) a certification; or

(7) a waiver.

SECTION 5. IC 10-19-2.1 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]:

Chapter 2.1. Powers and Duties of Department

Sec. 1. If a person is required to submit information, an application, or a document to:

(1) the department;

(2) an employee of the department;

(3) an office or division of the department; or

(4) a board, commission, or council staffed by the department; the department, office, or division of the department, or the board, commission, or council staffed by the department, may require the person to submit the information, application, or document electronically. However, the department, office, or division of the department, or the board, commission, or council staffed by the department, may not require a person to submit information, an application, or a document electronically if the person demonstrates that being required to submit the information, application, or document electronically will constitute an undue hardship for the person.

SECTION 6. IC 10-19-3-8, AS ADDED BY P.L.45-2012, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 8. (a) The executive director may grant a variance to a rule governing the state disaster relief fund under 290 IAC 1. A variance granted under this section must promote the effective and expeditious distribution of relief assistance.

(b) The executive director may grant a variance to a rule under subsection (a) if an applicant for financial assistance under 290 IAC 1-1 or 290 IAC 1-2 does the following:

(1) Submits to the executive director a written **or electronic** request for the variance in the form and manner specified by the executive director.

(2) Documents that compliance with the rule specified in the application for the variance will create an undue hardship on the applicant, as determined by the executive director.

(3) Documents that the applicant for the variance will be in substantial compliance with 290 IAC 1-1 or 290 IAC 1-2, as applicable, after the variance is granted, as determined by the executive director.

(4) Documents that noncompliance with the rule specified in the application for a variance will not be adverse to public health and safety or the purposes of the fund, as determined by the executive director.

(c) A variance granted under subsection (b) must be conditioned upon compliance with the alternative method approved by the executive director. Noncompliance with the alternative method constitutes the violation of a rule of the executive director and may be the basis for revoking the variance.

SECTION 7. IC 10-19-11-6, AS ADDED BY P.L.29-2014, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 6. (a) A person shall not produce, use, store, or dispose of radioactive materials until the person:

(1) is registered or licensed in Indiana under this chapter; or

(2) registers in writing **or an electronic format** with the agency, giving the pertinent information the agency requires, in accordance with the procedures prescribed by the agency.

(b) A person that uses, stores, or disposes of radioactive materials may be exempted by the agency from licensure or registration under this chapter if the agency determines that the person's use, storage, or disposal of radioactive materials is not a material hazard to public health, safety, and welfare.

SECTION 8. IC 20-26-18.2-5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 5. (a) A school corporation or charter school served by a school resource officer employed for the protection of the school corporation or charter school under section 2 of this chapter shall annually report the number of school resource officers serving the school corporation or charter school to the department of homeland security before September 1.**

(b) The department of homeland security shall:

(1) annually compile the information reported under subsection (a); and

(2) retain the information reported under subsection (a).

(c) For purposes of IC 5-14-3, the department of homeland security shall keep information compiled and retained under subsection (b) confidential and shall withhold the information from public disclosure.

SECTION 9. IC 22-11-14-2, AS AMENDED BY P.L.187-2006, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 2. (a) The fire prevention and building safety commission shall:

(1) adopt rules under IC 4-22-2 for the granting of permits for supervised public displays of fireworks by municipalities, fair associations, amusement parks, and other organizations or groups of individuals; and

(2) establish by rule the fee for the permit, which shall be paid into the fire and building services fund created under IC 22-12-6-1.

(b) The application for a permit required under subsection (a) must:

(1) name a competent operator who is to officiate at the display;

(2) set forth a brief resume of the operator's experience;

(3) be made in writing **or an electronic format;** and

(4) be received with the applicable fee by the division of fire and building safety at least five (5) business days before the display.

No operator who has a prior conviction for violating this chapter may operate any display for one (1) year after the conviction.

(c) Every display shall be handled by a qualified operator approved by the chief of the fire department of the municipality in which the display is to be held. A display shall be located, discharged, or fired as, in the opinion of:

(1) the chief of the fire department of the city or town in which the display is to be held; or

(2) the township fire chief or the fire chief of the municipality nearest the site proposed, in the case of a display to be held outside of the corporate limits of any city or town;

after proper inspection, is not hazardous to property or person.

(d) A permit granted under this section is not transferable.

(e) A denial of a permit by a municipality shall be issued in writing before the date of the display.

(f) A person may not possess, transport, or deliver special fireworks, except as authorized under this section.

SECTION 10. IC 22-13-5-2, AS AMENDED BY P.L.49-2016, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 2. (a) Except as provided under subsection (c), upon the written request of an interested person, the state building commissioner of the division of fire and building safety shall issue a written interpretation of a building law or a fire safety law not later than ten (10) business days after the date of receiving a request. An interpretation issued by the state building commissioner must be

consistent with building laws and fire safety laws enacted by the general assembly or adopted by the commission.

(b) The state building commissioner shall issue a written interpretation of a building law or fire safety law under subsection (a) whether or not the county or municipality has taken any action to enforce the building law or fire safety law.

(c) If:

(1) an interested person submits a written **or electronic** request to the building commissioner for a written interpretation of a building law or fire safety law applicable to a Class 2 structure; and

(2) the building commissioner is absent and unable to issue a written interpretation within the time specified under subsection (a);

the chair of the commission, or, if the chair is absent, the vice chair of the commission, shall issue the written interpretation not later than ten (10) business days after the date of receiving the request.

SECTION 11. IC 22-14-7-22 IS REPEALED [EFFECTIVE JULY 1, 2020]. ~~Sec. 22. (a) The reduced ignition propensity standards for cigarettes fund is established. Money in the fund may be used to support processing, testing, enforcement, and oversight activities under this chapter. The fund shall be administered by the state fire marshal.~~

~~(b) The expenses of administering the fund shall be paid from money in the fund.~~

~~(c) The treasurer of state shall invest 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.~~

~~(d) The fund consists of:~~

~~(1) certification fees collected under section 21 of this chapter; and~~

~~(2) grants, gifts, and donations intended for deposit in the fund.~~

~~(e) The money in the fund at the end of the state fiscal year does not revert to the state general fund.~~

SECTION 12. IC 22-14-7-27, AS AMENDED BY HEA 1174-2020, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 27. (a) The fire prevention and public safety fund is established. The fund shall be administered by the state fire marshal. Money in the fund may be used to support:

(1) fire safety and prevention programs; ~~and~~

(2) processing, testing, enforcement, and oversight activities under this chapter; and

~~(2)~~ **(3)** public safety education and outreach programs, including, but not limited to, youth helmet safety.

(b) The expenses of administering the fund shall be paid from money in the fund.

(c) The treasurer of state shall invest 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.

(d) The fund consists of:

(1) certification fees collected under section 21 of this chapter;

~~(1)~~ **(2)** penalties recovered under section 24 of this chapter; and

~~(2)~~ **(3)** grants, gifts, and donations intended for deposit in the fund.

(e) The money in the fund at the end of the state fiscal year does not revert to the state general fund.

SECTION 13. IC 22-14-7-27.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 27.5. On July 1, 2020, the auditor of state shall transfer the balance that remained on June 30, 2020, in the reduced ignition propensity standards for cigarettes fund established by section 22 of this chapter (before its repeal) to the fire prevention and public safety fund established by section 27 of this chapter.**

SECTION 14. IC 22-15-5-4, AS AMENDED BY P.L.230-2019, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 4. (a) The division shall carry out a program for the periodic inspection of regulated lifting devices being operated in Indiana. A regulated lifting device may not be operated without an operating certificate that covers the operation of the regulated lifting device.

(b) A permit issued under this section expires on the earlier of:

(1) one (1) year after issuance; or

(2) when the regulated lifting device is altered.

(c) After a regulated lifting device has been installed or altered, an applicant shall apply for an initial operating certificate. The division

shall issue an initial operating certificate for a regulated lifting device if:

(1) the applicant demonstrates:

(A) through an acceptance inspection made by an elevator inspector licensed under section 11 of this chapter that the regulated lifting device covered by the application complies with the laws governing its construction, repair, maintenance, and operation; and

(B) that the applicant has paid the fee set under IC 22-12-6-6(a)(7); and

(2) the division verifies, through an inspection, that the regulated lifting device complies with the laws governing the construction, repair, maintenance, and operation of the regulated lifting device.

(d) The division shall issue a renewal operating certificate if the applicant:

(1) demonstrates through the completion of applicable safety tests that the regulated lifting device complies with the laws governing the construction, repair, maintenance, and operation of the regulated lifting device;

(2) submits results of all applicable safety tests, including failed safety tests for the regulated lifting device; and

(3) has paid the fee set under IC 22-12-6-6(a)(7).

(e) The division may issue a temporary operating permit to an applicant under this section who does not comply with subsection (c)(1)(A) for a new or altered regulated lifting device or subsection (d)(1) for an existing unaltered regulated lifting device. The applicant must pay the fee set under IC 22-12-6-6(a)(7) to qualify for the temporary operating permit. Except as provided in subsection (f), the permit, including all renewal periods, is limited to sixty (60) days.

(f) The division may renew a temporary operating permit issued under subsection (e) for thirty (30) day periods during the construction of a building if the regulated lifting device is used for the transportation of construction personnel, tools, and materials.

(g) The responsibilities of the division under this section may be carried out by a political subdivision that is approved by the commission under IC 22-13-2-10.

(h) A copy of the operating certificate shall be displayed in or on each regulated lifting device or in an associated machine room. **In**

addition to the requirements of this subsection, the two-dimensional bar code assigned to an elevator shall be displayed in or on each elevator in a location that is easily viewed and scanned by a person riding on the elevator.

(i) A licensed elevator mechanic shall perform the maintenance on a regulated lifting device.

SECTION 15. IC 36-8-17-7, AS AMENDED BY P.L.1-2006, SECTION 578, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 7. (a) A fire department shall investigate and determine the causes and circumstances surrounding each fire occurring within the territory served by the fire department. The fire department shall begin the investigation when the fire occurs. The fire department shall immediately notify the division if the fire chief believes that a crime may have been committed and shall submit a written **or electronic** report to the division concerning every investigation at the end of each month. The fire department shall submit the report on the form prescribed by the division and shall include the following information in the report:

(1) A statement of the facts relating to the cause and origin of the fire.

(2) The extent of damage caused by the fire.

(3) The amount of insurance on the property affected by the fire.

(4) Other information required in the commission's rules.

(b) To carry out this section, a fire department may:

(1) enter and inspect any real or personal property at a reasonable hour;

(2) cooperate with the prosecuting attorney and assist the prosecuting attorney with any criminal investigation;

(3) request that the office subpoena witnesses under IC 22-14-2-8 or order the production of books, documents, and other papers;

(4) give oaths and affirmations;

(5) take depositions and conduct hearings; and

(6) separate witnesses and otherwise regulate the course of proceedings.

(c) Subpoenas, discovery orders, and protective orders issued under this section shall be enforced under IC 4-21.5-6-2.

P.L.58-2020
[S.146. Approved March 18, 2020.]

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

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

SECTION 1. IC 35-31.5-2-185, AS AMENDED BY P.L.238-2015, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 185. (a) "Law enforcement officer" means:

(1) a police officer (including a correctional police officer), sheriff, constable, marshal, prosecuting attorney, special prosecuting attorney, special deputy prosecuting attorney, the securities commissioner, or the inspector general;

(2) a deputy of any of those persons;

(3) an investigator for a prosecuting attorney or for the inspector general;

(4) a conservation officer;

(5) an enforcement officer of the alcohol and tobacco commission;

(6) an enforcement officer of the securities division of the office of the secretary of state; or

(7) a gaming agent employed under IC 4-33-4.5 or a gaming control officer employed by the gaming control division under IC 4-33-20.

(b) "Law enforcement officer", for purposes of IC 35-42-2-1, includes an alcoholic beverage enforcement officer, as set forth in IC 35-42-2-1.

(c) "Law enforcement officer", for purposes of IC 35-45-15, includes a federal enforcement officer, as set forth in IC 35-45-15-3.

(d) "Law enforcement officer", for purposes of IC 35-44.1-3-1 and IC 35-44.1-3-2, includes a school resource officer (as defined in

IC 20-26-18.2-1) and a school corporation police officer appointed under IC 20-26-16.

(e) "Law enforcement officer", for purposes of IC 35-40.5, has the meaning set forth in IC 35-40.5-1-1.

SECTION 2. IC 35-31.5-2-255.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 255.5. "Provider", for purposes of IC 35-40.5, has the meaning set forth in IC 35-40.5-1-1.**

SECTION 3. IC 35-31.5-2-273.4 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 273.4. "Relative", for purposes of IC 35-40.5, has the meaning set forth in IC 35-40.5-1-1.**

SECTION 4. IC 35-31.5-2-312.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 312.5. "State sexual assault response team", for purposes of IC 35-40.5, has the meaning set forth in IC 35-40.5-1-1.**

SECTION 5. IC 35-31.5-2-348, AS ADDED BY P.L.114-2012, SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 348. (a) "Victim", for purposes of IC 35-38-1-9 and IC 35-38-1-17, means a person who has suffered harm as a result of a crime.

(b) "Victim", for purposes of IC 35-37-6, has the meaning set forth in IC 35-37-6-3.

(c) "Victim", for purposes of IC 35-38-7, has the meaning set forth in IC 35-38-7-4.

(d) "Victim", for purposes of IC 35-40, has the meaning set forth in IC 35-40-4-8.

(e) "Victim", for purposes of IC 35-40.5 has the meaning set forth in IC 35-40.5-1-1.

~~(e)~~ **(f)** "Victim", for purposes of IC 35-45-10, has the meaning set forth in IC 35-45-10-4.

SECTION 6. IC 35-40.5 IS ADDED TO THE INDIANA CODE AS A **NEW** ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]:

ARTICLE 40.5. RIGHTS OF SEXUAL ASSAULT VICTIMS

Chapter 1. Definitions

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

(1) "Law enforcement officer" means any of the following:

(A) A law enforcement officer (as defined in IC 35-31.5-2-185).

(B) A state educational institution police officer appointed under IC 21-39-4.

(C) A school corporation officer appointed under IC 20-26-16.

(D) A school resource officer (as defined in IC 20-26-18.2-1).

(E) A police officer of a private postsecondary educational institution whose governing board has appointed the police officer under IC 21-17-5-2.

(2) "Provider" has the meaning set forth in IC 16-21-8-0.2.

(3) "Relative" has the meaning set forth in IC 35-42-2-1(b).

(4) "Sexual assault forensic evidence" means the results collected from a forensic medical examination of a victim by a provider.

(5) "State sexual assault response team" means the statewide sexual assault response team coordinated by the Indiana prosecuting attorneys council and the Indiana criminal justice institute.

(6) "Victim" means an individual:

(A) who is a victim of sexual assault (as defined in IC 5-26.5-1-8); or

(B) who:

(i) is a relative of or a person who has had a close personal relationship with the individual described under clause (A); and

(ii) is designated by the individual described under clause (A) as a representative.

The term does not include an individual who is accused of committing an act of sexual assault (as defined in IC 5-26.5-1-8) against the individual described under clause (A).

(7) "Victim advocate" has the meaning set forth in IC 35-37-6-3.5.

(8) "Victim service provider" has the meaning set forth in IC 35-37-6-5.

Chapter 2. Attachment and Duration of Rights

Sec. 1. The rights provided to victims under this article attach whenever a victim is subject to:

(1) a forensic medical exam; or

(2) an interview by a law enforcement officer;

in relation to injuries, trauma, or an investigation resulting from an alleged sexual assault.

Sec. 2. A victim continuously retains all the rights under this article regardless of whether the victim:

(1) agrees to participate in any civil or criminal proceeding related to the alleged sexual assault; or

(2) consents to a forensic medical exam to collect forensic evidence related to the alleged sexual assault.

Chapter 3. Right to a Victim Advocate or Victim Service Provider

Sec. 1. A victim has the right to:

(1) speak with a victim advocate or victim service provider during any hospital visit for the purpose of receiving a sexual assault examination; and

(2) speak with a victim advocate or victim service provider during the course of the investigation.

If a victim advocate or victim service provider is not available, a victim has the right to speak with victims assistance or a social worker. A victim retains these rights even if the victim has waived one (1) or more of these rights in a previous examination or interview.

Sec. 2. A victim's communications with a victim advocate, victim service provider, victims assistance, or a social worker are not admissible into evidence for any purpose except with consent of the victim.

Chapter 4. Collection of Sexual Assault Forensic Evidence

Sec. 1. As described in IC 16-21-8-6, a provider shall provide forensic medical exams and additional forensic services to a victim without charge.

Sec. 2. Before a provider commences a forensic medical examination, or as soon as possible, the provider shall inform the victim of the following:

(1) The victim's rights under this article and other relevant law in a document to be developed by the state sexual assault response team as described in IC 16-21-8-2, which shall be signed by the victim to confirm receipt, unless the victim has already been provided with the document under IC 35-40.5-5-1.

(2) The victim's right to speak with a victim advocate or victim service provider. If a victim advocate or victim service provider is not available, a victim has the right to speak with victims assistance or a social worker.

Sec. 3. Before a provider commences a forensic medical examination, or as soon as possible, the provider shall notify a victim advocate or a victim service provider. If a victim advocate or victim service provider is not available, the provider shall notify victims assistance or a social worker.

Chapter 5. Interview With a Law Enforcement Officer

Sec. 1. Before a law enforcement officer commences an interview of a victim, the law enforcement officer shall inform the victim of the following:

(1) The victim's rights under this article and other relevant law in a document to be developed by the state sexual assault response team as described in IC 16-21-8-2, which shall be signed by the victim to confirm receipt, unless the victim has already been provided with the document under IC 35-40.5-4-2.

(2) The victim's right to speak with a victim advocate or victim service provider during the course of the investigation, and that the victim has the right to speak to victims assistance or a social worker if a victim advocate or victim service provider is not available.

Chapter 6. Compliance

Sec. 1. (a) A defendant or a person accused or convicted of a crime against a victim may not object to any failure in complying with this article.

(b) The failure to provide a right or notice to a victim under this section may not be used by a defendant to seek to have the conviction or sentence set aside.

Chapter 7. Notice to Victims

Sec. 1. (a) Upon initial interaction with a victim, a law enforcement officer or provider shall provide the victim with a document developed by the state sexual assault response team, as described in IC 16-21-8-2, that explains the rights of victims:

(1) under this article and other relevant law;

(2) in a format accessible to persons with visual disabilities; and

(3) in English, Spanish, and German.

(b) The document described in subsection (a) shall include the following:

(1) A clear statement that a victim is not required to receive a medical evidentiary or physical examination in order to retain the rights provided under this article or any other relevant law.

(2) Information concerning state and federal victim compensation funds for medical and other costs associated with the sexual assault.

P.L.59-2020
[S.177. Approved March 18, 2020.]

AN ACT to amend the Indiana Code concerning utilities.

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

SECTION 1. IC 5-28-28.5-5, AS ADDED BY P.L.18-2015, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 5. The broadband ready communities development center is established within the ~~corporation.~~ **office of community and rural affairs.** The center has the following duties:

(1) Providing comprehensive information concerning permits required for projects and related business activities in Indiana and making this information available to any person.

(2) Working with other state and local government offices, departments, and administrative entities to encourage timely and efficient issuance of permits and resolution of related issues.

(3) Encouraging local and federal government agencies to coordinate activities related to approving applications and issuing permits for projects.

SECTION 2. IC 5-28-28.5-6, AS AMENDED BY P.L.33-2017, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 6. (a) In addition to the duties set forth in section 5 of this chapter, the center shall create a program to certify a unit as a broadband ready community.

(b) A unit may apply for certification as a broadband ready community. The application must be in a form and manner prescribed by the ~~corporation.~~ **office of community and rural affairs.** The ~~corporation~~ **office of community and rural affairs** shall approve an application and certify a unit as a broadband ready community if the ~~corporation~~ **office of community and rural affairs** determines that the unit has:

(1) established a permit procedure that complies with section 7 of this chapter;

(2) established a broadband adoption procedure that complies with section 8 of this chapter; and

(3) complied with any other requirements of the ~~corporation.~~ **office of community and rural affairs.**

P.L.60-2020
[S.190. Approved March 18, 2020.]

AN ACT to amend the Indiana Code concerning taxation.

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

SECTION 1. IC 6-1.1-20-1.1, AS AMENDED BY P.L.246-2017, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1.1. As used in this chapter, "controlled project" means any project financed by bonds or a lease, except for the following:

(1) A project for which the political subdivision reasonably expects to pay:

(A) debt service; or

(B) lease rentals;

from funds other than property taxes that are exempt from the levy limitations of IC 6-1.1-18.5 or (before January 1, 2009) IC 20-45-3. A project is not a controlled project even though the political subdivision has pledged to levy property taxes to pay the debt service or lease rentals if those other funds are insufficient.

(2) A project that will not cost the political subdivision more than the lesser of the following:

(A) An amount equal to the following:

(i) In the case of an ordinance or resolution adopted before January 1, 2018, making a preliminary determination to issue bonds or enter into a lease for the project, two million dollars ($2,000,000).

(ii) In the case of an ordinance or resolution adopted after December 31, 2017, and before January 1, 2019, making a preliminary determination to issue bonds or enter into a lease for the project, five million dollars ($5,000,000).

(iii) In the case of an ordinance or resolution adopted in a calendar year after December 31, 2018, making a

preliminary determination to issue bonds or enter into a lease for the project, an amount (as determined by the department of local government finance) equal to the result of the assessed value growth quotient determined under IC 6-1.1-18.5-2 for the year multiplied by the amount determined under this clause for the preceding calendar year.

The department of local government finance shall publish the threshold determined under item (iii) in the Indiana Register under IC 4-22-7-7 not more than sixty (60) days after the date the budget agency releases the growth quotient for the ensuing year under IC 6-1.1-18.5-2.

(B) An amount equal to the following:

(i) One percent (1%) of the total gross assessed value of property within the political subdivision on the last assessment date, if that total gross assessed value is more than one hundred million dollars ($100,000,000).

(ii) One million dollars ($1,000,000), if the total gross assessed value of property within the political subdivision on the last assessment date is not more than one hundred million dollars ($100,000,000).

(3) A project that is being refinanced for the purpose of providing gross or net present value savings to taxpayers.

(4) A project for which bonds were issued or leases were entered into before January 1, 1996, or where the state board of tax commissioners has approved the issuance of bonds or the execution of leases before January 1, 1996.

(5) A project that is required by a court order holding that a federal law mandates the project.

(6) A project that is in response to:

(A) a natural disaster;

(B) an accident; or

(C) an emergency;

in the political subdivision that makes a building or facility unavailable for its intended use.

(7) A project that was not a controlled project under this section as in effect on June 30, 2008, and for which:

(A) the bonds or lease for the project were issued or entered into before July 1, 2008; or

(B) the issuance of the bonds or the execution of the lease for the project was approved by the department of local government finance before July 1, 2008.

(8) A project of the Little Calumet River basin development commission for which bonds are payable from special assessments collected under IC 14-13-2-18.6.

(9) A project for engineering, land and right-of-way acquisition, construction, resurfacing, maintenance, restoration, and rehabilitation exclusively for or of:

(A) local road and street systems, including bridges that are designated as being in a local road and street system;

(B) arterial road and street systems, including bridges that are designated as being in an arterial road and street system; or

(C) any combination of local and arterial road and street systems, including designated bridges.

SECTION 2. IC 6-1.1-20-10, AS AMENDED BY P.L.198-2011, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 10. (a) This section applies to:

(1) a political subdivision that adopts an ordinance or a resolution making a preliminary determination to issue bonds or enter into a lease; **and**

(2) any other political subdivision that has assessed value within the same taxing district as the political subdivision described in subdivision (1).

Except as otherwise provided in this section, during the period commencing with the adoption of the ordinance or resolution and, if a petition and remonstrance process is commenced under section 3.2 of this chapter, continuing through the sixty (60) day period commencing with the notice under section 3.2(b)(1) of this chapter, the political subdivision seeking to issue bonds or enter into a lease for the proposed controlled project, **or any other political subdivision that has assessed value within the same taxing district,** may not promote a position on the petition or remonstrance by doing any of the following:

(1) Using facilities or equipment, including mail and messaging systems, owned by the political subdivision to promote a position

on the petition or remonstrance, unless equal access to the facilities or equipment is given to persons with a position opposite to that of the political subdivision.

(2) Making an expenditure of money from a fund controlled by the political subdivision to promote a position on the petition or remonstrance or to pay for the gathering of signatures on a petition or remonstrance. This subdivision does not prohibit a political subdivision from making an expenditure of money to an attorney, an architect, registered professional engineer, a construction manager, or a financial adviser for professional services provided with respect to a controlled project.

(3) Using an employee to promote a position on the petition or remonstrance during the employee's normal working hours or paid overtime, or otherwise compelling an employee to promote a position on the petition or remonstrance at any time. However, if a person described in subsection (f) is advocating for or against a position on the petition or remonstrance or discussing the petition or remonstrance as authorized under subsection (f), an employee of the political subdivision may assist the person in presenting information on the petition or remonstrance, if requested to do so by the person described in subsection (f).

(4) In the case of a school corporation, promoting a position on a petition or remonstrance by:

(A) using students to transport written materials to their residences or in any way involving students in a school organized promotion of a position;

(B) including a statement within another communication sent to the students' residences; or

(C) initiating discussion of the petition and remonstrance process at a meeting between a teacher and parents of a student regarding the student's performance or behavior at school. However, if the parents initiate a discussion of the petition and remonstrance process at the meeting, the teacher may acknowledge the issue and direct the parents to a source of factual information on the petition and remonstrance process.

However, this section does not prohibit an official or employee of the political subdivision from carrying out duties with respect to a petition

or remonstrance that are part of the normal and regular conduct of the official's or employee's office or agency, including the furnishing of factual information regarding the petition and remonstrance in response to inquiries from any person.

(b) A person may not solicit or collect signatures for a petition or remonstrance on property owned or controlled by the political subdivision.

(c) The staff and employees of a school corporation may not personally identify a student as the child of a parent or guardian who supports or opposes a petition or remonstrance.

(d) This subsection does not apply to:

(1) a personal expenditure to promote a position on a petition and remonstrance by an employee of a school corporation whose employment is governed by a collective bargaining contract or an employment contract; or

(2) an expenditure to promote a position on a petition and remonstrance by a person or an organization that has a contract or an arrangement with the school corporation solely for the use of the school corporation's facilities.

A person or an organization that has a contract or an arrangement (whether formal or informal) with a school corporation to provide goods or services to the school corporation may not spend any money to promote a position on the petition or remonstrance. A person or an organization that violates this subsection commits a Class A infraction.

(e) An attorney, an architect, registered professional engineer, a construction manager, or a financial adviser for professional services provided with respect to a controlled project may not spend any money to promote a position on the petition or remonstrance. A person who violates this subsection:

(1) commits a Class A infraction; and

(2) is barred from performing any services with respect to the controlled project.

(f) Notwithstanding any other law, an elected or appointed public official of the political subdivision (including any school board member and school corporation superintendent), a school corporation assistant superintendent, or a chief school business official of a school corporation may at any time:

(1) personally advocate for or against a position on the petition or remonstrance; or

(2) discuss the petition or remonstrance with any individual, group, or organization or personally advocate for or against a position on the petition or remonstrance before any individual, group, or organization;

so long as it is not done by using public funds. Advocacy or discussion allowed under this subsection is not considered a use of public funds. However, this subsection does not authorize or apply to advocacy or discussion by a school board member, superintendent, assistant superintendent, or school business official to or with students that occurs during the regular school day.

(g) Nothing in this section shall be construed to prevent a political subdivision that has assessed value within the same taxing district as the political subdivision described in subsection (a) from adopting a resolution or taking a position on the local public question.

SECTION 3. IC 6-1.1-20-10.1, AS AMENDED BY P.L.198-2011, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 10.1. (a) This section applies only to:

(1) a political subdivision that ~~after June 30, 2008,~~ adopts an ordinance or a resolution making a preliminary determination to issue bonds or enter into a lease subject to sections 3.5 and 3.6 of this chapter; **and**

(2) any other political subdivision that has assessed value within the same taxing district as the political subdivision described in subdivision (1).

(b) Except as otherwise provided in this section, during the period beginning with the adoption of the ordinance or resolution and continuing through the day on which a local public question is submitted to the voters of the political subdivision under section 3.6 of this chapter, the political subdivision seeking to issue bonds or enter into a lease for the proposed controlled project, **or any other political subdivision that has assessed value within the same taxing district,** may not promote a position on the local public question by doing any of the following:

(1) Using facilities or equipment, including mail and messaging systems, owned by the political subdivision to promote a position

on the local public question, unless equal access to the facilities or equipment is given to persons with a position opposite to that of the political subdivision.

(2) Making an expenditure of money from a fund controlled by the political subdivision to promote a position on the local public question. This subdivision does not prohibit a political subdivision from making an expenditure of money to an attorney, an architect, a registered professional engineer, a construction manager, or a financial adviser for professional services provided with respect to a controlled project.

(3) Using an employee to promote a position on the local public question during the employee's normal working hours or paid overtime, or otherwise compelling an employee to promote a position on the local public question at any time. However, if a person described in subsection (f) is advocating for or against a position on the local public question or discussing the local public question as authorized under subsection (f), an employee of the political subdivision may assist the person in presenting information on the local public question, if requested to do so by the person described in subsection (f).

(4) In the case of a school corporation, promoting a position on a local public question by:

(A) using students to transport written materials to their residences or in any way involving students in a school organized promotion of a position;

(B) including a statement within another communication sent to the students' residences; or

(C) initiating discussion of the local public question at a meeting between a teacher and parents of a student regarding the student's performance or behavior at school. However, if the parents initiate a discussion of the local public question at the meeting, the teacher may acknowledge the issue and direct the parents to a source of factual information on the local public question.

However, this section does not prohibit an official or employee of the political subdivision from carrying out duties with respect to a local public question that are part of the normal and regular conduct of the official's or employee's office or agency, including the furnishing of

factual information regarding the local public question in response to inquiries from any person.

(c) The staff and employees of a school corporation may not personally identify a student as the child of a parent or guardian who supports or opposes a controlled project subject to a local public question held under section 3.6 of this chapter.

(d) This subsection does not apply to:

(1) a personal expenditure to promote a position on a local public question by an employee of a school corporation whose employment is governed by a collective bargaining contract or an employment contract; or

(2) an expenditure to promote a position on a local public question by a person or an organization that has a contract or an arrangement (whether formal or informal) with the school corporation solely for the use of the school corporation's facilities.

A person or an organization that has a contract or an arrangement (whether formal or informal) with a school corporation to provide goods or services to the school corporation may not spend any money to promote a position on a local public question. A person or an organization that violates this subsection commits a Class A infraction.

(e) An attorney, an architect, a registered professional engineer, a construction manager, or a financial adviser for professional services provided with respect to a controlled project may not spend any money to promote a position on a local public question. A person who violates this subsection:

(1) commits a Class A infraction; and

(2) is barred from performing any services with respect to the controlled project.

(f) Notwithstanding any other law, an elected or appointed public official of the political subdivision (including any school board member and school corporation superintendent), a school corporation assistant superintendent, or a chief school business official of a school corporation may at any time:

(1) personally advocate for or against a position on the local public question; or

(2) discuss the public question with any individual, group, or organization or otherwise personally advocate for or against a

position on the public question before any individual, group, or organization;

so long as it is not done by using public funds. Advocacy or discussion allowed under this subsection is not considered a use of public funds. However, this subsection does not authorize or apply to advocacy or discussion by a school board member, superintendent, assistant superintendent, or school business official to or with students that occurs during the regular school day.

(g) A student may use school equipment or facilities to report or editorialize about a local public question as part of the news coverage of the referendum by student newspaper or broadcast.

(h) Nothing in this section shall be construed to prevent a political subdivision that has assessed value within the same taxing district as the political subdivision described in subsection (a) from adopting a resolution or taking a position on the local public question.

P.L.61-2020
[S.194. Approved March 18, 2020.]

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

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

SECTION 1. IC 35-31.5-2-171.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 171.5. "Isomer", for purposes of IC 35-48, has the meaning set forth in IC 35-48-1-17.4.**

SECTION 2. IC 35-31.5-2-321, AS AMENDED BY P.L.119-2019, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 321. "Synthetic drug" means:

(1) a substance containing one (1) or more of the following chemical compounds, including an analog of the compound:

(A) JWH-015 ((2-Methyl-1-propyl-1H-indol-3-yl)-1-naphthalenylmethanone).

(B) JWH-018 (1-pentyl-3-(1-naphthoyl)indole).

(C) JWH-019 (1-hexyl-3-(naphthalen-1-oyl)indole).

(D) JWH-073 (naphthalen-1-yl-(1-butylindol-3-yl)methanone).

(E) JWH-081 (4-methoxynaphthalen- 1-yl- (1-pentylindol-3-yl)methanone).

(F) JWH-122 (1-Pentyl-3-(4-methyl-1-naphthoyl)indole).

(G) JWH-200 ((1-(2-morpholin-4-ylethyl)indol-3-yl)-naphthalen-1-yl-methanone).

(H) JWH-250 (1-pentyl-3-(2-methoxyphenylacetyl)indole).

(I) JWH-251 (1-pentyl-3-(2-methylphenylacetyl)indole).

(J) JWH-398 (1-pentyl-3-(4-chloro-1-naphthoyl)indole).

(K) HU-210 ((6aR,10aR)- 9-(Hydroxymethyl)- 6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo [c]chromen- 1-ol).

(L) HU-211 ((6aS,10aS)-9-(Hydroxymethyl)- 6,6-dimethyl-3-(2-methyloctan-2-yl)- 6a,7,10,10a-tetrahydrobenzo [c]chromen-1-ol).

(M) HU-308 ([(1R,2R,5R)-2-[2,6-dimethoxy-4-(2-methyloctan- 2-yl)phenyl]-7,7-dimethyl-4-bicyclo[3.1.1]hept-3-enyl] methanol).

(N) HU-331 (3-hydroxy-2- [(1R,6R)-3-methyl-6-(1-methylethenyl)-2 -cyclohexen-1-yl]-5 -pentyl-2,5-cyclohexadiene-1,4-dione).

(O) CP 55,940 (2-[(1R,2R,5R)-5-hydroxy-2-(3-hydroxypropyl) cyclohexyl]-5- (2-methyloctan-2-yl)phenol).

(P) CP 47,497 (2-[(1R,3S)-3-hydroxycyclohexyl]- 5-(2-methyloctan-2-yl)phenol) and its homologues, or 2-[(1R,3S)-3-hydroxycyclohexyl]-5-(2-methyloctan-2-yl) phenol), where side chain n=5, and homologues where side chain n=4, 6, or 7.

(Q) WIN 55212-2

((R)-(+)-[2,3-Dihydro-5-methyl-3-(4-morpholinylmethyl) pyrrolo [1,2,3-de)- 1,4- benzoxazin-
6-yl]-1-napthalenylmethanone).
(R) RCS-4 ((4-methoxyphenyl)
(1-pentyl-1H-indol-3-yl)methanone).
(S) RCS-8 (1-(1-(2-cyclohexylethyl)-1H-
indol-3-yl)-2-(2-methoxyphenyl)ethanone).
(T) 4-Methylmethcathinone. Other name: mephedrone.
(U) 3,4-Methylenedioxymethcathinone. Other name: methylone.
(V) Fluoromethcathinone.
(W) 4-Methoxymethcathinone. Other name: methedrone.
(X) 4-Ethylmethcathinone (4-EMC).
(Y) Methylenedioxypyrovalerone. Other name: MDPV.
(Z) JWH-007, or 1-pentyl-2-methyl-3-(1-naphthoyl)indole.
(AA) JWH-098, or
1-pentyl-2-methyl-3-(4-methoxy-1-naphthoyl)indole.
(BB) JWH-164, or
1-pentyl-3-(7-methoxy-1-naphthoyl)indole.
(CC) JWH-210, or 1-pentyl-3-(4-ethyl-1-naphthoyl)indole.
(DD) JWH-201, or
1-pentyl-3-(4-methoxyphenylacetyl)indole.
(EE) JWH-203, or 1-pentyl-3-(2-chlorophenylacetyl)indole.
(FF) AM-694, or
1-(5-fluoropentyl)-3-(2-iodobenzoyl)indole.
(GG) CP 50,556-1, or
[(6S,6aR,9R,10aR)-9-hydroxy-6-methyl-3-[(2R)-5-phenylpe
ntan-2-yl]oxy-5,6,6a,7,8,9,10,10a-octahydrophenanthridin-1
-yl] acetate.
(HH) Dimethylheptylpyran, or DMHP.
(II) 4-Methyl-alpha-pyrrolidinobutiophenone, or MPBP.
(JJ) 6-APB [6-(2-aminopropyl)benzofuran].
(LL) 7-hydroxymitragynine.
(MM) α-PPP [α-pyrrolidinopropiophenone].
(NN) α-PVP (desmethylpyrovalerone).
(OO) AM-251.
(PP) AM-1241.
(QQ) AM-2201.

(RR) AM-2233.
(SS) Buphedrone (α-methylamino-butyrophenone (MABP)).
(TT) Butylone.
(UU) CP-47,497-C7.
(VV) CP-47,497-C8.
(WW) Desoxypipradol.
(XX) Ethylone.
(YY) Eutylone.
(ZZ) Flephedrone.
(AAA) JWH-011.
(BBB) JWH-020.
(CCC) JWH-022.
(DDD) JWH-030.
(EEE) JWH-182.
(FFF) JWH-302.
(GGG) MDAI [5,6-methylenedioxy-2-aminoindane].
(HHH) Mitragynine.
(III) Naphyrone.
(JJJ) Pentedrone.
(LLL) Pentylone.
(MMM) Methoxetamine
[2-(3-methoxyphenyl)-2-(ethylamino)- cyclohexanone].
(NNN) A796,260 [1-(2-morpholin-4-ylethyl)-1H-indol-3-yl]-(2,2,3,3-tetramethylcyclopropyl)methanone].
(OOO) AB-001[(1s,3s)-admantan-1-yl)
(1-pentyl-1H-indol-3-yl)methanone] or [1-Pentyl-3-(1-adamantoyl)indole].
(PPP) AM-356 [Methanandamide].
(QQQ) AM 1248 [1-[(1-methyl-2- piperidinyl) methyl]-1H-indol-3-yl] tricyclo[3.3.1.13,7] dec-1-yl-methanone]or [(1-[(N-methylpiperindin-2-yl)
Methyl]-3-(Adamant-1-oyl)indole)].
(RRR) AM 2233 Azepane isomer [(2-iodophenyl) (1-(1-methylazepan-3-yl)- 1H-indol-3-yl)methanone].
(SSS) CB-13 [1-Naphthalenyl
[4-(pentyoxy)- 1-naphthalenyl]methanone].
(TTT) UR-144 [(1-pentyl-1H-indol-3-yl) (2,2,3,3-tetramethylcyclopropyl)-methanone].

(UUU) URB 597 [(3'-(aminocarbonyl) [1,1'-biphenyl]-3-yl)-cyclohexylcarbamate].
(VVV) URB602 [[1,1'-biphenyl]- 3-yl-carbamic acid, cyclohexyl ester].
(WWW) URB 754 [6-methyl-2-[(4-methylphenyl) amino]-1-benzoxazin-4-one].
(XXX) XLR-11 or 5-fluoro UR-144
(1-(5-fluoropentyl)-1H-indol-3-yl)
(2,2,3,3-tetramethylcyclopropyl)methanone].
(YYY) AKB48 (Other names include: N-Adamantyl-1-pentyl-1H-Indazole-3-carboxamide; 1-pentyl-N-tricyclo[3.3.1.13.7]dec-1-yl-1H-indazole-3-carboxamide).
(ZZZ) 25I-NBOMe (Other names include: 4-Iodo-2,5-dimethoxy-N-[(2-methoxyphenyl)methyl]-benzeneethanamine);
2-(4-iodo-2,5-dimethoxyphenyl)-N-[(2-methoxyphenyl) methyl]ethanamine).
(AAAA) 2C-C-NBOMe (Other names include: 25C-NBOMe; 2-(4-chloro-2,5-dimethoxyphenyl)-N-[(2-methoxyphenyl) methyl]ethanamine;
2,5-Dimethoxy-4-chloro-N-(2-methoxybenzyl) phenethylamine).
(BBBB) 2NE-1 (Other names include: 1-Pentyl-3-(1-adamantylamido)indole).
(CCCC) STS-135 (Other names include: N-Adamantyl-1-fluoropentylindole-3- carboxamide (1-5-fluoropentyl)-N-tricyclo[3.3.1.13.7]dec-1-yl-1H-indole-3-carboxamide).
(DDDD) PB-22 (Other names include: 1-Pentyl-8-quinolinlyl ester-1H-indole-2-carboxylic acid).
(EEEE) 5-Fluoro-PB-22 (Other names include: 1-(5-Fluropentyl)-8-quinolinyl ester1H-indole-3-carboxylic acid).
(FFFF) Benocyclidine (Other names include: BCP, BTCP, and Benzothiophenylcyclohexylpiperidine).
(GGGG) 25B-NBOMe (Other names include: 2C-B-NBOMe and 4-Bromo-2,

5-dimenthoxy-N-[(2-Methozyphenyl)methyl] benzeneethanamine).
(HHHH) APB (Other names include: (2-Aminopropyl) Benzofuran).
(IIII) AB-PINACA
(N-(1-Amino-3-methyl-1-oxobutan-2-yl)-1-pentyl-1H-indazole-3-carboxamide.
(JJJJ) AB-FUBINACA
(N-(1-Amino-3-methyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)-1H-indazole-3-carboxamide).
(KKKK) ADB-PINACA
(N-(1-Amino-3,3-dimethyl-1-oxobutan-2-yl)-1-pentyl-1H-in daole-3-carboxamide).
(LLLL) Fluoro ADBICA (N-(1-Amino-3,3-dimethyl-1-oxobutan-2-yl)-(fluoropentyl)-1H-indole-3-carboxamide).
(MMMM) APDB (Other names include: -EMA, -Desoxy-MDA, and (2-Aminopropyl)-2,3-dihydrobenzofuran).
(NNNN) THJ-2201 (Other names include: AM2201 indazole analog, Fluoropentyl-JWH-018 indazole, and 5-Fluoro-THJ-018).
(OOOO) AM 2201 benzimidazole analog (Other names include: FUBIMINA, FTHJ, and (1-(5-fluoropentyl)-1H-benzo[d]imidazol-2-yl)(naphthalene-1-yl)methanone).
(PPPP) MN-25 (Other names include: 7-methoxy-1-[2-(4-morpholinyl)ethyl]-N-[1S, 2S, 4R)-1,3,3-trimethylbicyclo[2.2.1]hept-2-yl]-1H-indole-3-carboxamide and UR-12).
(QQQQ) FUB-PB-22 (Other names include: Quinolin-8-yl-1-(4-fluorobenzyl)-1H-indole-3-carboxylate).
(RRRR) FUD-PB-22 (Other names include: Naphthalen-1-yl-1-(4-fluorobenzyl)-1H-indole-3-carboxylate).
(SSSS) 5-Fluoro-AB-PINACA (Other names include: AB-PINACA 5-fluoro analog and N-(1-amino-3-methyl1-oxobutan-2-yl)-1-(5-fluoropentyl)-1H-indazole-3-carboxaminde).

(TTTT) 4-MePPP (Other names include: 4-methyl-alpha-pyrrolidinopropiophenone).
(UUUU) alpha-PBP (Other names include: Alpha-pyrrolidinobutiophenone).
(VVVV) AB-CHMINACA (Other names include: (N-[1-(aminocarbonyl)-2-methylpropyl]-1-(cyclohexylmethyl)-1H-indazole-3-carboxamide).
(WWWW) Mexedrone
(3-methoxy-2-(methylamino)-1-(p-tolyl)propan-1-one).
(XXXX) MT-45,
(1-cyclohexyl-4-(1,2-diphenylethyl)piperazine).
(YYYY) methyl 2-(1-(5-fluoropentyl)- 1H-indazole-3-carboxamido) -3,3-dimethylbutanoate [5F-ADB; 5F-MDMB-PINACA].
(ZZZZ) methyl 2-(1-(5-fluoropentyl)-1H- indazole-3-carboxamido)-3-methylbutanoate [5F-AMB].
(AAAAA) N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl) -1-(4-fluorobenzyl)- 1H-indazole-3-carboxamide [ADB-FUBINACA].
(BBBBB) N-(adamantan-1-yl)-1-(5-fluoropentyl)-1H-indazole-3- carboxamide [5F-APINACA, 5F-AKB48].
(CCCCC) methyl 2-(1-(cyclohexylmethyl)-1H-indole-3-carboxamido)-3,3-dimethylbutanoate [MDMB-CHMICA, MMB-CHMINACA].
(DDDDD) methyl 2-(1-(4-fluorobenzyl)-1H-indazole-3-carboxamido)- 3,3-dimethylbutanoate [MDMB-FUBINACA].
(EEEEE) N-(1-amino-3,3-dimethyl-1 -oxobutan-2-yl)-1-(cyclohexylmethyl)- 1H-indazole-3-carboxamide [MAB-CHMINACA and ADB-CHMINACA].
(FFFFF) Methyl 2-(1-(4-fluorobenzyl)-1H-indazole-3-carboxamido)- 3-methylbutanoate [FUB-AMB, MMB-FUBINACA, AMB-FUBINACA].
(GGGGG) 3,4-dichloro-N-[(1dimethylamino)cyclohexylmethyl]benzamide) [AH7921].
(HHHHH) Naphthalen-1-yl 1-(5-fluoropentyl)-1 H-indole-3-carboxylate (trivial name: NM2201; CBL2201)

(IIIII) 1-(4-cyanobutyl)-N-(2-phenylpropan-2-yl)-1 H-indazole-3-carboxamide (trivial name: 4-CN-CUMYL-BUTINACA; 4-cyano-CUMYL-BUTINA CA; 4-CN-CUMYL BINACA; CUMYL-4CN-BINACA; SGT-78).

(JJJJJ) methyl 2-(1-(cyclohexylmethyl)-1 H-indole-3-carboxamido)-3-methylbutanoate (trivial names: MMB-CHMICA, AMB-CHMICA).

(KKKKK) 1-(5-fluoropentyl)-N-(2-phenylpropan-2-yl)-1 H-pyrrolo[2,3-b]pyridine-3-carboxamide (trivial name: 5F-CUMYL-P7AICA).

(LLLLL) N-1-(1,3-benzodioxol-5-yl)-2-(ethylamino)-1-p entanone (N-ethylpentylone, ephylone).

(MMMMM) Synthetic cathinone, 1-(1,3-benzodioxol-5-yl)-2-(ethylamino)- pentan-1-one (N-ethylpentylone, ephylone) and its optical, positional, and geometric isomers, salts, and salts of isomers.

(NNNNN) ethyl 2-(1-(5-fluoropentyl)-1H-indazole-3-carboxamido)-3,3-dimethylbutanoate (trivial name: 5F-EDMB-PINACA).

(OOOOO) methyl 2-(1-(5- fluoropentyl)-1H-indole-3-carboxamido)-3,3-dimethylbutanoate (trivial name: 5F-MDMB-PICA).

(PPPPP) N- (adamantan- 1-yl)- 1-(4-fluorobenzyl)-1H-indazole-3-carboxamide (trivial names: FUB-AKB48; FUB-APINACA; AKB48 N- (4-FLUOROBENZYL)).

(QQQQQ) 1-(5- fluoropentyl)-N-(2-phenylpropan-2-yl)-1H-indazole-3-carboxamide (trivial names: 5F-CUMYL-PINACA; SGT-25).

(RRRRR) (1-(4-fluorobenzyl)-1H-indol-3-yl)(2,2,3,3-tetramethylcyclopropyl) methanone (trivial name: FUB-144).

(SSSSS) 4F-MDMB-BINACA.

(TTTTT) N-ethylhexedrone (2-(ethylamino)-1-phenylhexan-1-one).

(UUUUU) alpha-pyrrolidinohexanophenone (1-phenyl-2-(pyrrolidin-1-yl)hexan-1-one.

(VVVVV) alpha-pyrrolidinohexiophenone; trivial name: a-PHP.

(WWWWW) 4'-methyl-alpha-pyrrolidinohexiophenone (1-(4-methylphenyl)-2-(pyrrolidin-1-yl)hexan-1-one.

(XXXXX) 4-methyl-alphaethylaminopentiophenone (2-(ethylamino)-1-(4-methylphenyl)pentan-1-one; trivial name: 4–MEAP.

(YYYYY) 4'-methyl-alphapyrrolidinohexanophenone; trivial name: MPHP.

(ZZZZZ) alphapyrrolidinoheptaphenone (1-phenyl-2-(pyrrolidin-1-yl)heptan-1-one; trivial name: PV8.

(AAAAAA) 4'-chloro-alphapyrrolidinovalerophenone (1-(4- chlorophenyl)-2-(pyrrolidin-1- yl)pentan-1-one.

(BBBBBB) 4'-chloro-alphapyrrolidinopentiophenone; trivial name: 4-chloro-a-PVP.

(2) Any compound structurally derived from 3-(1-naphthoyl)indole or 1H-indol-3-yl-(1-naphthyl)methane by substitution at the nitrogen atom of the indole ring by alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, or 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or tetrahydropyranylmethyl group, whether or not further substituted in the indole ring to any extent and whether or not substituted in the naphthyl ring to any extent.

(3) Any compound structurally derived from 3-(1-naphthoyl) pyrrole by substitution at the nitrogen atom of the pyrrole ring by alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, or 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3- morpholinyl)methyl, or tetrahydropyranylmethyl group, whether or not further substituted in the pyrrole ring to any extent and whether or not substituted in the naphthyl ring to any extent.

(4) Any compound structurally derived from 1-(1-naphthylmethyl)indene by substitution at the 3-position of the indene ring by alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, or 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-

morpholinyl)methyl, or tetrahydropyranylmethyl group, whether or not further substituted in the indene ring to any extent and whether or not substituted in the naphthyl ring to any extent.

(5) Any compound structurally derived from 3-phenylacetylindole by substitution at the nitrogen atom of the indole ring with alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, or 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or tetrahydropyranylmethyl group, whether or not further substituted in the indole ring to any extent and whether or not substituted in the phenyl ring to any extent.

(6) Any compound structurally derived from 2-(3-hydroxycyclohexyl)phenol by substitution at the 5-position of the phenolic ring by alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, or 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or tetrahydropyranylmethyl group, whether or not substituted in the cyclohexyl ring to any extent.

(7) Any compound containing a 3-(benzoyl)indole structure with substitution at the nitrogen atom of the indole ring by alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, or 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or tetrahydropyranylmethyl group, whether or not further substituted in the indole ring to any extent and whether or not substituted in the phenyl ring to any extent.

(8) Any compound, except bupropion or a compound listed under a different schedule, structurally derived from 2-aminopropan-1-one by substitution at the 1-position with either phenyl, naphthyl, or thiophene ring systems, whether or not the compound is further modified:

(A) by substitution in the ring system to any extent with alkyl, alkylenedioxy, alkoxy, haloalkyl, hydroxyl, or halide substituents, whether or not further substituted in the ring system by one or more other univalent substituents;

(B) by substitution at the 3-position with an acyclic alkyl substituent;

(C) by substitution at the 2-amino nitrogen atom with alkyl, dialkyl, benzyl, or methoxybenzyl groups; or

(D) by inclusion of the 2-amino nitrogen atom in a cyclic structure.

(9) Any compound structurally derived from 3-tetramethyl cyclopropanoylindole with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl) ethyl, 1-(N-methyl-2-pyrrolidinyl) methyl, 1-(N-methyl-3-morpholinyl)methyl, or tetrahydropyranylmethyl group, whether or not further substituted in the indole ring to any extent and whether or not substituted in the tetramethylcyclopropyl ring to any extent.

(10) Any compound containing a N-(1-adamantyl)-1H-indazole-3-carboxamide structure with substitution at the nitrogen atom of the indazole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2- piperidinyl)methyl, or 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or tetrahydropyranylmethyl group, whether or not further substituted at the nitrogen atom of the carboxamide to any extent, whether or not further substituted in the indazole ring to any extent, and whether or not further substituted on the adamantyl ring system to any extent. An example of this structural class includes AKB48.

(11) Any compound containing a N-(1-adamantyl)-1H-indole-3-carboxamide structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2- piperidinyl)methyl, or 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or tetrahydropyranylmethyl group, whether or not further substituted at the nitrogen atom of the carboxamide to any extent, whether or not further substituted in the indole ring to any extent, and whether or not further substituted on the adamantyl ring system to any extent. An example of this structural class includes STS-135.

(12) Any compound containing a 3-(1-adamantoyl)indole structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2- piperidinyl)methyl, or 2-(4-morpholinyl)ethyl, 1-(N-methyl-2- pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or tetrahydropyranylmethyl group, whether or not further substituted on the adamantyl ring system to any extent. An example of this structural class includes AM-1248.

(13) Any compound determined to be a synthetic drug by rule adopted under IC 25-26-13-4.1.

SECTION 3. IC 35-48-1-17.4 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 17.4. (a) Except as provided in subsections (b) and (c), "isomer" means an optical isomer.**

(b) "Isomer", as used in IC 35-48-2-4(d), means an optical, positional, or geometric isomer.

(c) "Isomer", as used in section 7 of this chapter, means an optical or geometric isomer.

SECTION 4. IC 35-48-1-20 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 20. "Narcotic drug" means any of the following, whether produced directly or indirectly by extraction from substances of vegetable origin, independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis:

(1) Opium, ~~and opiate, and any salt, compound, derivative, or preparation of opium or opiate.~~ **opiates, derivatives of opium and opiates, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, whenever the existence of these isomers, esters, ethers, and salts is possible within the specific chemical designation. The term does not include the isoquinoline alkaloids of opium.**

~~(2) Any salt, compound, isomer, derivative, or preparation thereof which is chemically equivalent or identical to any of the substances referred to in subdivision (1) of this definition, but not including the isoquinoline alkaloids of opium.~~

~~(3)~~ **(2)** Opium poppy and poppy straw.

(3) Any compound, mixture, or preparation which contains any quantity of any of the substances referred to this section.

SECTION 5. IC 35-48-1-21 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 21. "Opiate" **or "opioid"** means a **drug or other** substance having an addiction-forming or addiction-sustaining liability similar to morphine or being capable of conversion into a drug having addiction-forming or addiction-sustaining liability. It does not include, unless specifically designated as controlled under IC 35-48-2, the dextrorotatory isomer of 3-methoxy-n-methylmorphinan and its salts (dextromethorphan). It does include its racemic and levorotatory forms.

SECTION 6. IC 35-48-2-4, AS AMENDED BY P.L.119-2019, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 4. (a) The controlled substances listed in this section are included in schedule I.

(b) Opiates. Any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, unless specifically excepted by rule of the board or unless listed in another schedule, whenever the existence of these isomers, esters, ethers, and salts is possible within the specific chemical designation:

4-fluoroisobutyryl fentanyl

Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl)-4-piperidinyl]-N-phenylacetamide) (9815)

Acetyl fentanyl (Other names include: N-(1-phenethylpiperidin-4-yl)-N-phenylacetamide)

Acetylmethadol (9601)

Acrylfentanyl. Other name: N-(1-phenethylpiperidin-4-yl)-N-phenylacrylamide

Allylprodine (9602)

Alpha-methylthiofentanyl (N-[1-methyl-2-(2-thienyl)ethyl-4-piperidinyl]-N-phenylpropanamide) (9832)

Alphacetylmethadol (9603)

Alphameprodine (9604)

Alphamethadol (9605)

Alphamethylfentanyl (9814)

Benzethidine (9606)

Beta-hydroxy-3-methylfentanyl (9831). Other name: N-[1-(2-hydroxy-2-phenethyl)-3-methyl-4-piperidinyl

]-N-phenylpropanamide
Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl)-4-piperidinyl]-N-phenylpropanamide) (9830)
Betacetylmethadol (9607)
Betameprodine (9608)
Betamethadol (9609)
Betaprodine (9611)
Clonitazene (9612)
Cyclopentyl fentanyl. Other name: N-(1-phenethylpiperidin-4-yl)-N-phenylcyclopentanecarboxamide
Dextromoramide (9613)
Diampromide (9615)
Diethylthiambutene (9616)
Difenoxin (9168)
Dimenoxadol (9617)
Dimepheptanol (9618)
Dimethylthiambutene (9619)
Dioxaphetyl butyrate (9621)
Dipipanone (9622)
Ethylmethylthiambutene (9623)
Etonitazene (9624)
Etoxeridine (9625)
Fentanyl related substances.
Furanyl fentanyl.
Furethidine (9626)
Hydroxypethidine (9627)
Isobutyryl fentanyl. Other name: N-(1-phenethylpiperidin-4-yl)-N-phenylisobutyramide
Ketobemidone (9628)
Levomoramide (9629)
Levophenacylmorphan (9631)
Methoxyacetyl fentanyl. Other name: 2-methoxy-N-(1-phenethylpiperidin-4-yl)-N-phenylacetamide
3-Methylfentanyl [N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-N-phenyl-propanimide](9813)
3-Methylthiofentanyl (N-[(3-methyl-1-(2-thienyl)ethyl-4-piperidinyl]-N-phenylpropanamide) (9833)
MPPP (1-methyl-4-phenyl-4-propionoxypiperidine) (9961)

Morpheridine (9632)
N-[1-benzyl-4-piperidyl]-N-phenylpropanamide (benzylfentanyl), including any isomers, salts, or salts of isomers (9818)
N-[1-[2-hydroxy-2-(thiophen-2-yl)ethyl] 25 piperidin-4-yl]-N-phenylpropionamide, also known as N-[1-[2-hydroxy-2-(2-thienyl)ethyl] -4- piperidinyl]- N-phenylpropanamide, (beta-hydroxythiofentanyl)
N-(4-chlorophenyl)- N-(1-phenethylpiperidin-4-yl) isobutyramide (para-chloroisobutyryl fentanyl)
N-(2-fluorophenyl)-2-methoxy-N-(1-phenethylpiperidin-4-yl) acetamide (ocfentanil)
N-(4-fluorophenyl)-N-(1-phenethylpiperidin-4 -yl) butyramide (para-fluorobutyryl fentanyl)
N-(1-phenethylpiperidin-4-yl)-N-phenylbutyramide, also known as N-(1-phenethylpiperidin-4-yl)-N-phenylbutanamide, (butyryl fentanyl)
N-(1-phenethylpiperidin-4-yl)-N-phenylpentanamide (valeryl fentanyl)
N-(4-methoxyphenyl)-N-(1-phenethylpiperidin -4-yl) butyramide (para-methoxybutyryl fentanyl)
N-[1-(2-thienyl)methyl-4-piperidyl]-N-phenylpropanamide (thenylfentanyl), including any isomers, salts, or salts of isomers (9834)
N-(1-phenethylpiperidin-4-yl)-N-phenylisobutyramide (isobutyryl fentanyl)
N-(1-phenethylpiperidin-4-yl)- Nphenylcyclopentanecarboxamide (cyclopentyl fentanyl)
Noracymethadol (9633)
Norlevorphanol (9634)
Normethadone (9635)
Norpipanone (9636)
Ocfentanil. Other name: N-(2-fluorophenyl)-2-methoxy-N-(1-phenethylpiperidin-4-yl) acetamide
Ortho-fluorofentanyl or 2-fluorofentanyl. Other name: N-(2-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)propionamide

Para-chloroisobutyryl fentanyl. Other name: N-(4-chlorophenyl)-N-(1-phenethylpiperidin-4-yl)isobutyramide
Para-fluorobutyryl fentanyl. Other name: N-(4-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)butyramide
Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-phenethyl)-4-piperidinyl] propanamide (9812)
Para-methoxybutyryl fentanyl. Other name: N-(4-methoxyphenyl)-N-(1-phenethylpiperidin-4-yl)butyramide
Phenadoxone (9637)
Phenampromide (9638)
Phenomorphan (9647)
Phenoperidine (9641)
PEPAP [1-(2-phenethyl)-4-phenyl-4-acetoxypiperidine] (9663)
Piritramide (9642)
Proheptazine (9643)
Properidine (9644)
Propiram (9649)
Racemoramide (9645)
Tetrahydrofuranyl fentanyl. Other name: N-(1-phenethylpiperidin-4-yl)-N-phenyltetrahydrofuran-2-carb oxamide
Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]-propanamide) (9835)
Tilidine (9750)
Trimeperidine (9646)
U47700 (3,4-dichloro- N- [2-dimethylamino)cyclohexyl]-N-methyl- benzamide)
Valeryl fentanyl. Other name: N-(1-phenethylpiperidin-4-yl)-N-phenylpentanamide

(c) Opium derivatives. Any of the following opium derivatives, their salts, isomers, and salts of isomers, unless specifically excepted by rule of the board or unless listed in another schedule, whenever the existence of these salts, isomers, and salts of isomers is possible within the specific chemical designation:

Acetorphine (9319)
Acetyldihydrocodeine (9051)
Benzylmorphine (9052)
Codeine methylbromide (9070)

Codeine-N-Oxide (9053)
Cyprenorphine (9054)
Desomorphine (9055)
Dihydromorphine (9145)
Drotebanol (9335)
Etorphine (except hydrochloride salt) (9056)
Heroin (9200)
Hydromorphinol (9301)
Methyldesorphine (9302)
Methyldihydromorphine (9304)
Morphine methylbromide (9305)
Morphine methylsulfonate (9306)
Morphine-N-Oxide (9307)
Myrophine (9308)
Nicocodeine (9309)
Nicomorphine (9312)
Normorphine (9313)
Pholcodine (9314)
Thebacon (9315)

(d) Hallucinogenic substances. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following hallucinogenic, psychedelic, or psychogenic substances, their salts, isomers, and salts of isomers whenever the existence of these salts, isomers, and salts of isomers is possible within the specific chemical designation (for purposes of this subsection only, the term "isomer" includes the optical, position, and geometric isomers):

(1) 1-[1-(2-thienyl)cyclohexyl]pyrrolidine (7473). Other name: TCPy.

(2) 4-Bromo-2, 5-Dimethoxyamphetamine (7391). Some trade or other names: 4-Bromo-2, 5-Dimethoxy-a-methylphenethylamine; 4-Bromo-2, 5-DMA.

(3) 4-Bromo-2, 5-dimethoxyphenethylamine (7392). Some trade or other names:
2-[4-bromo-2,5-dimethoxyphenyl]-1-aminoethane; alpha-desmethyl DOB; 2C-B, Nexus.

(4) 2, 5-Dimethoxy-4-ethylamphet-amine (7399). Other name: DOET.

(5) 2, 5-Dimethoxy-4-(n)-propylthiophenethylamine (7348). Other name: 2C-T-7.
(6) 2, 5-Dimethoxyamphetamine (7396). Some trade or other names: 2, 5-Dimethoxy-a-methylphenethylamine; 2, 5-DMA.
(7) 4-Methoxyamphetamine (7411). Some trade or other names: 4-Methoxy-a-methylphenethylamine; Paramethoxyamphetamine; PMA.
(8) 5-Methoxy-3, 4-methylenedioxy amphetamine (7401). Other Name: MMDA.
(9) 5-Methoxy-N, N-diisopropyltryptamine, including any isomers, salts, or salts of isomers (7439). Other name: 5-MeO-DIPT.
(10) 4-methyl-2, 5-dimethoxyamphetamine (7395). Some trade and other names: 4-methyl-2,
5-dimethoxy-a-methylphenethylamine; DOM; and STP.
(11) 3, 4-methylenedioxy amphetamine (7400). Other name: MDA.
(12) 3,4-methylenedioxy-N-ethylamphetamine (7404). Other names: N-ethyl-alpha-methyl-3,4(methylenedioxy) phenethylamine; N-ethyl MDA; MDE; and MDEA.
(13) 3, 4-methylenedioxymethamphetamine (MDMA) (7405).
(14) 3, 4, 5-trimethoxy amphetamine (7390). Other name: TMA.
(15) Alpha-ethyltryptamine (7249). Some trade and other names: Etryptamine; Monase; [alpha]-ethyl-1H-indole-3-ethanamine; 3-(2-aminobutyl) indole; [alpha]-ET; and AET.
(16) Alpha-methyltryptamine (7432). Other name: AMT.
(17) Bufotenine (7433). Some trade and other names: 3-(B-Dimethylaminoethyl)-5-hydroxyindole;
3-(2-dimethylaminonethyl)-5-indolol; N, N-dimethylserotonin; 5-hydroxy-N, N-dimethyltryptamine; mappine.
(18) Diethyltryptamine (7434). Some trade or other names: N, N-Diethyltryptamine; DET.
(19) Dimethyltryptamine (7435). Some trade or other names: DMT.
(20) Ibogaine (7260). Some trade and other names: 7-Ethyl-6, 6b, 7, 8, 9, 10, 12, 13-octahydro-2-methoxy-6, 9-methano-5H-pyrido (1', 2': 1, 2, azepino 4, 5-b) indole; tabernanthe iboga.
(21) Lysergic acid diethylamide (7315). Other name: LSD.

(22) Marijuana (7360).
(23) Mescaline (7381).
(24) Parahexyl (7374). Some trade or other names: 3-Hexyl-1-hydroxy-7, 8, 9, 10-Tetrahydro-6, 6, 9-trimethyl-6H-dibenzo (b,d) pyran; Snyhexyl.
(25) Peyote (7415), including:

(A) all parts of the plant that are classified botanically as lophophora williamsii lemaire, whether growing or not;
(B) the seeds thereof;
(C) any extract from any part of the plant; and
(D) every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or extracts.

(26) N-ethyl-3-piperidyl benzilate (7482). Other name: DMZ.
(27) N-hydroxy-3,4-methylenedioxyamphetamine (7402). Other names: N-hydroxy-alpha-methyl-3,4 (methylenedioxy)phenethylamine; and N-hydroxy MDA.
(28) N-methyl-3-piperidyl benzilate (7484). Other name: LBJ.
(29) Psilocybin (7437).
(30) Psilocyn (7438).
(31) Tetrahydrocannabinols (7370), including synthetic equivalents of the substances contained in the plant, or in the resinous extractives of Cannabis, sp. and synthetic substances, derivatives, and their isomers with similar chemical structure and pharmacological activity such as:

(A) π^1 cis or trans tetrahydrocannabinol, and their optical isomers;
(B) π^6 cis or trans tetrahydrocannabinol, and their optical isomers; and
(C) $\pi^{3,}{}_4$ cis or trans tetrahydrocannabinol, and their optical isomers.

Since nomenclature of these substances is not internationally standardized, compounds of these structures, regardless of numerical designation of atomic positions are covered. Other name: THC.
(32) Ethylamine analog of phencyclidine (7455). Some trade or other names: N-Ethyl-1-phenylcyclohexylamine; (1-phenylcyclohexyl) ethylamine; N-(1-phenylcyclohexyl) ethylamine; cyclohexamine; PCE.

(33) Pyrrolidine analog of phencyclidine (7458). Some trade or other names: 1-(1-phenylcyclohexyl)-pyrrolidine; PCP_y; PHP.

(34) Thiophene analog of phencyclidine (7470). Some trade or other names: 1-(1-(2-thienyl) cyclohexyl) piperidine; 2-Thienyl Analog of Phencyclidine; TPCP.

(35) Salvia divinorum or salvinorin A, including:

(A) all parts of the plant that are classified botanically as salvia divinorum, whether growing or not;

(B) the seeds of the plant;

(C) any extract from any part of the plant; and

(D) every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or extracts.

(36) 5-Methoxy-N,N-Dimethyltryptamine. Some trade or other names: 5-methoxy-3-[2- (dimethylamino)ethyl]indole; 5-MeO-DMT.

(37) 2-(2,5-Dimethoxy-4-ethylphenyl)ethanamine (2C-E).

(38) 2-(2,5-Dimethoxy-4-methylphenyl)ethanamine (2C-D).

(39) 2-(4-Chloro-2,5-dimethoxyphenyl) ethanamine (2C-C).

(40) 2-(4-Iodo-2,5-dimethoxyphenyl) ethanamine (2C-I).

(41) 2-[4-(Ethylthio)-2,5-dimethoxyphenyl] ethanamine (2C-T-2).

(42) 2-[4-(Isopropylthio)-2,5-dimethoxyphenyl] ethanamine (2C-T-4).

(43) 2-(2,5-Dimethoxyphenyl) ethanamine (2C-H).

(44) 2-(2,5-Dimethoxy-4-nitro-phenyl) ethanamine (2C-N).

(45) 2-(2,5-Dimethoxy-4-(n)-propylphenyl) ethanamine (2C-P).

(46) Deschloroketamine (2-Phenyl-2-(methylamino)cyclohexanone).

(47) 4-Hydroxy-MET (4-Hydroxy-N-methyl-N-ethyltryptamine).

(48) N-methyltryptamine (1H-Indole-3-ethanamine, N-methyl-).

(e) Depressants. Unless specifically excepted in a rule adopted by the board or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

Etizolam (4-(2- chlorophenyl)-2- ethyl-9- methyl- 6H-thieno[3,2-f] [1,2,4] triazolo[4,3-a] [1,4diazepine) (other names include: Etilaam, Etizest, Depas, Etizola, Sedekopan, and Pasaden)

Flubromazolam (8-bromo-6-(2-fluorophenyl)-1-methyl-4H-[1,2,4]triazolo[4,3-a][1,4]benzodiazepine)

Gamma-hydroxybutyric acid (other names include GHB; gamma-hydroxybutyrate; 4-hydroxybutanoic acid; sodium oxybate; sodium oxybutyrate) (2010)

Mecloqualone (2572)

Methaqualone (2565)

(f) Stimulants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers, and salts of isomers:

([+/-]) cis-4-methylaminorex (([+/-])cis-4,5-dihydro-4-methyl-5-phenyl-2-oxazolamine) (1590)

Aminorex (1585). Other names: aminoxaphen; 2-amino-5-phenyl-2-oxazoline; or 4,5-dihydro-5-phenyl-2-oxazolamine.

Benzylone, 1-(1,3-benzodioxol-5-yl)-2-(benzylamino)propan-1-one. Synonyms: BMDP, N-benzyl methylone, 3,4-Methylenedioxy-Nbenzylcathinone, N-benzyl-3,4-methylenedioxycathinone.

Cathinone (1235). Some trade or other names: 2-amino-1-phenyl-1-propanone; alpha-aminopropiophenone; 2-aminopropiophenone; and norephedrone.

Fenethylline (1503).

N-Benzylpiperazine (7493). Other names: BZP; and 1-benzylpiperazine.

N-ethylamphetamine (1475).

Methcathinone (1237). Some other trade names: 2-Methylamino-1-Phenylpropan-I-one; Ephedrone; Monomethylpropion; UR 1431.

N, N-dimethylamphetamine (1480). Other names: N, N-alpha-trimethyl-benzeneethanamine; and N, N-alpha-trimethylphenethylamine.

(g) Synthetic drugs as defined in IC 35-31.5-2-321.

SECTION 7. IC 35-48-2-6, AS AMENDED BY P.L.119-2019, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 6. (a) The controlled substances listed in this section are included in schedule II.

(b) Any of the following substances, except those narcotic drugs listed in other schedules, whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by combination of extraction and chemical synthesis:

(1) Opium and opiate, and any salt, compound, derivative, or preparation of opium or opiate, excluding apomorphine, dextrorphan, nalbuphine, naloxone, naltrexone, and their respective salts but including:

(A) raw opium (9600);

(B) opium extracts (9610);

(C) opium fluid extracts (9620);

(D) powdered opium (9639);

(E) granulated opium (9640);

(F) tincture of opium (9630);

(G) codeine (9050);

(H) dihydroetorphine (9334);

(I) ethylmorphine (9190);

(J) etorphine hydrochloride (9059);

(K) hydrocodone (9193), and any hydrocodone combination product, as determined by the federal Food and Drug Administration;

(L) hydromorphone (9150);

(M) metopon (9260);

(N) morphine (9300);

(O) oxycodone (9143);

(P) oxymorphone (9652);

(Q) thebaine (9333); and

(R) oripavine.

(2) Any salt, compound, isomer, derivative, or preparation thereof which is chemically equivalent or identical with any of the substances referred to in subdivision (b)(1) of this section, but not including the isoquinoline alkaloids of opium.

(3) Opium poppy and poppy straw.

(4) Cocaine (9041).

(5) Concentrate of poppy straw (the crude extract of poppy straw in either liquid, solid, or powder form which contains the phenanthrene alkaloids of the opium poppy) (9670).

(c) Opiates. Any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers whenever the existence of these isomers, esters, ethers, and salts is possible within the specific chemical designation:

Alfentanil (9737)
Alphaprodine (9010)
Anileridine (9020)
Bezitramide (9800)
Bulk dextropropoxyphene (nondosage forms) (9273)
Carfentanil (9743)
Dihydrocodeine (9120)
Diphenoxylate (9170)
Fentanyl (9801)
Isomethadone (9226)
Levo-alphacetylmethadol (9648). Other names: Levo-alpha-acetylmethadol; levomethadyl acetate; and LAAM.
Levomethorphan (9210)
Levorphanol (9220)
Metazocine (9240)
Methadone (9250)
Methadone-Intermediate, 4-cyano-2-dimethyl-amino-4, 4-diphenyl butane (9254)
Moramide-Intermediate, 2-methyl-3-morpholino-1, 1-diphenylpropane- carboxylic acid (9802)
Pethidine (Meperidine) (9230)
Pethidine-Intermediate- A, 4-cyano-1-methyl-4-phenylpiperidine (9232)
Pethidine-Intermediate-B, ethyl-4-phenylpiperidine-4-carboxylate (9233)
Pethidine-Intermediate-C,1-methyl-4-phenylpiperidine-4-carbo xylic acid (9234)
~~Phenazodine~~ **Phenazocine** (9715)
Piminodine (9730)

Racemethorphan (9732)
Racemorphan (9733)
Remifentanil (9739)
Sufentanil (9740)
Tapentadol
Thiafentanil

(d) Stimulants. Any material compound, mixture, or preparation which contains any quantity of the following substances having a potential for abuse associated with a stimulant effect on the central nervous system:

(1) Amphetamine, its salts, optical isomers, and salts of its optical isomers (1100).

(2) Methamphetamine, including its salts, isomers, and salts of its isomers (1105).

(3) Phenmetrazine and its salts (1631).

(4) Methylphenidate (1724).

(5) Lisdexamfetamine, its salts, its isomers, and salts of its isomers.

(e) Depressants. Unless specifically excepted by rule of the board or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

Amobarbital (2125)
Glutethimide (2550)
Pentobarbital (2270)
Phencyclidine (7471)
Secobarbital (2315)

(f) Immediate precursors. Unless specifically excepted by rule of the board or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances:

(1) Immediate precursor to amphetamine and methamphetamine: Phenylacetone (8501). Some trade or other names: phenyl-2-propanone; P2P; benzyl methyl ketone; methyl benzyl ketone.

(2) Immediate precursors to phencyclidine (PCP):

(A) 1-phenylcyclohexylamine (7460); or

(B) 1-piperidinocyclohexanecarbonitrile (PCC) (8603).

(3) Immediate precursor to fentanyl: 4-Anilino-N-Phenethyl-4-Piperidine (ANPP).

(g) Hallucinogenic substances:

Dronabinol oral solution. Other name: (-)-delta-9-trans-tetrahydrocannabinol (delta-9-THC).

Nabilone (7379). Other name: (+/-)-trans-3-(1,1-dimethylheptyl)-6, 6a, 7, 8, 10, 10a-hexahydro-1-hydroxy -6, 6-dimethyl-9H-dibenzo [b,d] pyran-9-one.

SECTION 8. IC 35-48-2-12, AS AMENDED BY P.L.119-2019, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 12. (a) The controlled substances listed in this section are included in schedule V.

(b) Narcotic drugs containing nonnarcotic active medicinal ingredients. Any compound, mixture, or preparation containing any of the following narcotic drugs, or their salts calculated as the free anhydrous base or alkaloid, in the following quantities, which shall include one (1) or more nonnarcotic active medicinal ingredients in sufficient proportion to confer upon the compound, mixture, or preparation, valuable medicinal qualities other than those possessed by the narcotic drug alone:

(1) Not more than 200 milligrams of codeine per 100 milliliters or per 100 grams.

(2) Not more than 100 milligrams of dihydrocodeine per 100 milliliters or per 100 grams.

(3) Not more than 100 milligrams of ethylmorphine per 100 milliliters or per 100 grams.

(4) Not more than 2.5 milligrams of diphenoxylate and not less than 25 micrograms of atropine sulfate per dosage unit.

(5) Not more than 100 milligrams of opium per 100 milliliters or per 100 grams.

(6) Not more than 0.5 milligrams of difenoxin (9168), and not less than 25 micrograms of atropine sulfate per dosage unit.

(c) Brivaracetam ((2S)-2-[(4R)-2-oxo-4-propylpyrrolidin-1-yl] butanamide)).

(d) Pregabalin (2782).

(e) Pyrovalerone (1485).

(f) Lacosamide [(R)-2-acetoamido-N-benzyl-3-methoxy-propionamide].

(g) Epidiolex.

(h) Zulresso (brexanolone) 3a-hydroxy-5apregnan-20-one. Other name: allopregnanolone.

SECTION 9. IC 35-48-4-2, AS AMENDED BY P.L.80-2019, SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 2. (a) A person who:

(1) knowingly or intentionally:

(A) manufactures;

(B) finances the manufacture of;

(C) delivers; or

(D) finances the delivery of;

a controlled substance or controlled substance analog, pure or adulterated, classified in schedule I, ~~II, or III,~~ except marijuana, hash oil, hashish, or salvia, **or a controlled substance, or controlled substance analog, pure or adulterated, classified in schedule II or III;** or

(2) possesses, with intent to:

(A) manufacture;

(B) finance the manufacture of;

(C) deliver; or

(D) finance the delivery of;

a controlled substance or controlled substance analog, pure or adulterated, classified in schedule I, ~~II, or III,~~ except marijuana, hash oil, hashish, or salvia, **or a controlled substance, or controlled substance analog, pure or adulterated, classified in schedule II or III;**

commits dealing in a schedule I, II, or III controlled substance, a Level 6 felony, except as provided in subsections (b) through (f).

(b) A person may be convicted of an offense under subsection (a)(2) only if:

(1) there is evidence in addition to the weight of the drug that the person intended to manufacture, finance the manufacture of, deliver, or finance the delivery of the drug; or

(2) the amount of the drug involved is at least twenty-eight (28) grams.

(c) The offense is a Level 5 felony if:

(1) the amount of the drug involved is at least one (1) gram but less than five (5) grams; or

(2) the amount of the drug involved is less than one (1) gram and an enhancing circumstance applies.

(d) The offense is a Level 4 felony if:

(1) the amount of the drug involved is at least five (5) grams but less than ten (10) grams; or

(2) the amount of the drug involved is at least one (1) gram but less than five (5) grams and an enhancing circumstance applies.

(e) The offense is a Level 3 felony if:

(1) the amount of the drug involved is at least ten (10) grams but less than twenty-eight (28) grams; or

(2) the amount of the drug involved is at least five (5) grams but less than ten (10) grams and an enhancing circumstance applies.

(f) The offense is a Level 2 felony if:

(1) the amount of the drug involved is at least twenty-eight (28) grams; or

(2) the amount of the drug involved is at least ten (10) grams but less than twenty-eight (28) grams and an enhancing circumstance applies.

SECTION 10. IC 35-48-4-7, AS AMENDED BY P.L.80-2019, SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 7. (a) A person who, without a valid prescription or order of a practitioner acting in the course of the practitioner's professional practice, knowingly or intentionally possesses a:

(1) controlled substance **or controlled substance analog** (pure or adulterated), **classified in schedule I, except marijuana, hashish, or salvia;** or

(2) **controlled substance or** controlled substance analog (pure or adulterated), **classified in schedule II, III, or IV;**

~~classified in schedule I, II, III, or IV, except marijuana, hashish, or salvia,~~ commits possession of a controlled substance, a Class A misdemeanor, except as provided in subsection (b).

(b) The offense is a Level 6 felony if the person commits the offense and an enhancing circumstance applies.

(c) A person who, without a valid prescription or order of a practitioner acting in the course of the practitioner's professional practice, knowingly or intentionally obtains:

(1) more than four (4) ounces of schedule V controlled substances containing codeine in any given forty-eight (48) hour period unless pursuant to a prescription;

(2) a schedule V controlled substance pursuant to written or verbal misrepresentation; or

(3) possession of a schedule V controlled substance other than by means of a prescription or by means of signing an exempt narcotic register maintained by a pharmacy licensed by the Indiana state board of pharmacy;

commits a Class A misdemeanor.

P.L.62-2020
[S.206. Approved March 18, 2020.]

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

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

SECTION 1. IC 35-31.5-2-3, AS ADDED BY P.L.114-2012, SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. **(a) Except as provided in subsection (b) or unless otherwise defined in statute,** "accused", for purposes of IC 35-40, has the meaning set forth in IC 35-40-4-2.

(b) "Accused", for purposes of IC 35-40-5-11.5, has the meaning set forth in IC 35-40-5-11.5.

SECTION 2. IC 35-31.5-2-40.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 40.5. "Child victim", for**

purposes of IC 35-40-5-11.5, has the meaning set forth in IC 35-40-5-11.5.

SECTION 3. IC 35-31.5-2-87.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 87.1. "Defendant", for purposes of IC 35-40-5-11.5, has the meaning set forth in IC 35-40-5-11.5.**

SECTION 4. IC 35-31.5-2-87.5 IS REPEALED [EFFECTIVE UPON PASSAGE]. ~~Sec. 87.5. "Defense counsel", for purposes of IC 35-40-5-11, has the meaning set forth in IC 35-40-5-11(b).~~

SECTION 5. IC 35-31.5-2-90.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 90.5. "Deposition", for purposes of IC 35-40-5-11.5, has the meaning set forth in IC 35-40-5-11.5.**

SECTION 6. IC 35-40-5-3, AS AMENDED BY P.L.65-2016, SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) This section applies if either of the following has occurred:

(1) The alleged felony or delinquent act that would have been a felony if committed by an adult was directly perpetrated against the victim.

(2) The alleged felony, misdemeanor, or delinquent act that would have been a felony or misdemeanor if committed by an adult was:

(A) a violation of IC 35-42-2 (offenses against the person), IC 35-45-2-1 (intimidation), IC 35-45-2-2 (harassment), IC 35-46-1-15.1 (invasion of privacy), IC 35-46-1-15.3, or IC 35-47-4-3 (pointing a firearm); and

(B) directly perpetrated against the victim by a person who:

(i) is or was a spouse of the victim;

(ii) is or was living as if a spouse of the victim; or

(iii) has a child in common with the victim.

(3) The alleged misdemeanor or delinquent act that would have been a misdemeanor if committed by an adult, other than a misdemeanor described in subdivision (2), was directly perpetrated against the victim, and the victim has complied with the notice requirements under IC 35-40-10.

(b) A victim has the right to confer with a representative of the prosecuting attorney's office:

(1) after a crime allegedly committed against the victim has been charged;

(2) before the trial of a crime allegedly committed against the victim; and

(3) before any disposition of a criminal case involving the victim.

This right does not include the authority to direct the prosecution of a criminal case involving the victim.

(c) A child victim (as defined in section 11.5 of this chapter) has the right to confer with a representative of the prosecuting attorney's office before being deposed. The representative of the prosecuting attorney's office may not instruct the child victim to refuse to participate in the deposition.

SECTION 7. IC 35-40-5-11 IS REPEALED [EFFECTIVE UPON PASSAGE] ~~Sec. 11. (a) This section applies only to a child less than sixteen (16) years of age who is the victim or alleged victim of a sex offense (as defined in IC 11-8-8-5.2).~~

~~(b) As used in this section, "defense counsel" includes an agent of:~~

~~(1) the defense counsel; or~~

~~(2) the defendant.~~

~~(c) After charges are filed against a defendant, if defense counsel would like to interview a child described in subsection (a), the defendant or defense counsel must contact the prosecuting attorney. The child has the right under section 3 of this chapter to confer with the prosecuting attorney before the interview occurs. The prosecuting attorney may not instruct the child not to speak with defense counsel.~~

~~(d) If the parties are unable to agree to the terms of the interview, the parties may petition the court for a hearing on the terms of the interview prior to the interview taking place. The court shall review the terms suggested by the parties and consider the age of the child, any special considerations, and the rights of victims provided by IC 35-40-5-1 in setting reasonable terms for the interview.~~

SECTION 8. IC 35-40-5-11.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 11.5. (a) This section applies only to a criminal case involving a child less than sixteen (16) years of age who is the victim or alleged victim of a sex offense.**

(b) The following definitions apply throughout this section:

(1) "Accused" or "the accused" means a person charged with committing a sex offense against a child victim. The term does not include an attorney who represents the accused.

(2) "Child victim" means a child less than sixteen (16) years of age who is the victim or alleged victim of a sex offense.

(3) "Defendant" means a person charged with committing a sex offense against a child victim and an attorney who represents the defendant.

(4) "Deposition" or "depose" means a deposition upon oral examination, or taking a deposition upon oral examination, as described in Indiana Trial Rule 30.

(5) "Sex offense" has the meaning set forth in IC 11-8-8-5.2.

(c) A defendant may depose a child victim only in accordance with this section.

(d) A defendant may not take the deposition of a child victim unless the defendant contacts the prosecuting attorney before contacting the child, and one (1) or more of the following apply:

(1) The prosecuting attorney agrees to the deposition. The prosecuting attorney may condition the prosecuting attorney's agreement to the deposition upon the defendant's acceptance of the manner in which the deposition shall be conducted.

(2) The court authorizes the deposition after finding, following a hearing under subsection (f), that there is a reasonable likelihood that the child victim will be unavailable for trial and the deposition is necessary to preserve the child victim's testimony.

(3) The court authorizes the deposition after finding, following a hearing under subsection (g), that the deposition is necessary:

(A) due to the existence of extraordinary circumstances; and

(B) in the interest of justice.

(e) If the prosecuting attorney does not agree to the deposition, the defendant may petition the court for authorization to depose the child victim under subsection (d)(2), (d)(3), or both subsection (d)(2) and (d)(3). Upon receipt of the petition, the court shall notify the prosecuting attorney and set a hearing to determine whether to

authorize a deposition of the child victim, and, if applicable, to determine the manner in which the deposition shall be conducted.

(f) The court shall authorize the deposition of a child victim under subsection (d)(2) if the defendant proves by a preponderance of the evidence that there is a reasonable likelihood that the child victim will be unavailable for trial and the deposition is necessary to preserve the child victim's testimony.

(g) The court may not authorize the deposition of a child victim under subsection (d)(3) unless the defendant establishes by a preponderance of the evidence that the deposition is necessary:

(1) due to the existence of extraordinary circumstances; and

(2) in the interest of justice.

(h) If the court authorizes the deposition of a child victim under subsection (f) or (g), the court shall determine the manner in which the deposition shall be conducted, after considering:

(1) the age of the child;

(2) the rights of the victim under IC 35-40-5-1; and

(3) any other relevant factors or special considerations.

(i) If the court denies a petition to depose a child victim, the court shall issue a written order describing the reason for the denial.

(j) If the court grants a request to depose a child victim, the court shall issue a written order describing the reason for granting the petition and setting forth the manner in which the deposition shall be conducted. The order shall:

(1) expressly prohibit the accused from deposing or being present at the deposition of the child victim unless:

(A) there is a reasonable likelihood that the child victim will be unavailable for trial;

(B) the deposition is necessary to preserve the child victim's testimony; and

(C) the presence of the accused is necessary to preserve the constitutional rights of the accused under the Sixth Amendment of the Constitution of the United States or Article 1, Section 13 of the Constitution of the State of Indiana;

(2) describe the manner in which the deposition shall be conducted; and

(3) if applicable, issue a protective order under Indiana Trial Rule 26(C).

SECTION 9. **An emergency is declared for this act.**

P.L.63-2020
[S.209. Approved March 18, 2020.]

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

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

SECTION 1. IC 35-33-5-7, AS AMENDED BY P.L.201-2011, SECTION 111, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 7. (a) A search warrant issued by a court of record may be executed according to its terms anywhere in the state. A search warrant issued by a court that is not a court of record may be executed according to its terms anywhere in the county of the issuing court.

(b) **Except as provided in subsection (f),** a search warrant must be:

(1) executed not more than ten (10) days after the date of issuance; and

(2) returned to the court without unnecessary delay after the execution.

(c) A search warrant may be executed:

(1) on any day of the week; and

(2) at any time of the day or night.

(d) A law enforcement officer may break open any outer or inner door or window in order to execute a search warrant, if the officer is not admitted following an announcement of the officer's authority and purpose.

(e) A person or persons whose property is wrongfully damaged or whose person is wrongfully injured by any law enforcement officer or officers who wrongfully enter may recover such damage from the responsible authority and the law enforcement officer or officers as the court may determine. The action may be filed in the circuit court or superior court in the county where the wrongful entry took place.

(f) Notwithstanding section 4 of this chapter, a warrant authorizing a search, testing, or other analysis of an item, tangible or intangible, is deemed executed when the item is seized by a law enforcement officer. A return of a warrant authorizing a search, testing, or other analysis of an item is sufficient if the return contains a statement indicating that the item was seized by a law enforcement officer.

P.L.64-2020
[S.216. Approved March 18, 2020.]

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

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

SECTION 1. IC 5-14-3-2, AS AMENDED BY P.L.85-2017, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 2. (a) The definitions set forth in this section apply throughout this chapter.

(b) "Copy" includes transcribing by handwriting, photocopying, xerography, duplicating machine, duplicating electronically stored data onto a disk, tape, drum, or any other medium of electronic data storage, and reproducing by any other means.

(c) "Criminal intelligence information" means data that has been evaluated to determine that the data is relevant to:

(1) the identification of; and

(2) the criminal activity engaged in by;

an individual who or organization that is reasonably suspected of involvement in criminal activity.

(d) "Direct cost" means one hundred five percent (105%) of the sum of the cost of:

(1) the initial development of a program, if any;

(2) the labor required to retrieve electronically stored data; and

(3) any medium used for electronic output;

for providing a duplicate of electronically stored data onto a disk, tape, drum, or other medium of electronic data retrieval under section 8(g) of this chapter, or for reprogramming a computer system under section 6(c) of this chapter.

(e) "Electronic map" means copyrighted data provided by a public agency from an electronic geographic information system.

(f) "Enhanced access" means the inspection of a public record by a person other than a governmental entity and that:

(1) is by means of an electronic device other than an electronic device provided by a public agency in the office of the public agency; or

(2) requires the compilation or creation of a list or report that does not result in the permanent electronic storage of the information.

(g) "Facsimile machine" means a machine that electronically transmits exact images through connection with a telephone network.

(h) "Inspect" includes the right to do the following:

(1) Manually transcribe and make notes, abstracts, or memoranda.

(2) In the case of tape recordings or other aural public records, to listen and manually transcribe or duplicate, or make notes, abstracts, or other memoranda from them.

(3) In the case of public records available:

(A) by enhanced access under section 3.5 of this chapter; or

(B) to a governmental entity under section 3(c)(2) of this chapter;

to examine and copy the public records by use of an electronic device.

(4) In the case of electronically stored data, to manually transcribe and make notes, abstracts, or memoranda or to duplicate the data

onto a disk, tape, drum, or any other medium of electronic storage.

(i) "Investigatory record" means information compiled in the course of the investigation of a crime.

(j) "Law enforcement activity" means:

(1) a traffic stop;

(2) a pedestrian stop;

(3) an arrest;

(4) a search;

(5) an investigation;

(6) a pursuit;

(7) crowd control;

(8) traffic control; or

(9) any other instance in which a law enforcement officer is enforcing the law.

The term does not include an administrative activity, including the completion of paperwork related to a law enforcement activity, or a custodial interrogation conducted in a place of detention as described in Indiana Evidence Rule 617, regardless of the ultimate admissibility of a statement made during the custodial interrogation.

(k) "Law enforcement recording" means an audio, visual, or audiovisual recording of a law enforcement activity captured by a camera or other device that is:

(1) provided to or used by a law enforcement officer in the scope of the officer's duties; and

(2) designed to be worn by a law enforcement officer or attached to the vehicle or transportation of a law enforcement officer.

(l) "Offender" means a person confined in a **prison, county jail, detention facility,** penal institution, **or in a community corrections program** as the result of the **person's arrest or** conviction for a crime.

(m) "Patient" has the meaning set out in IC 16-18-2-272(d).

(n) "Person" means an individual, a corporation, a limited liability company, a partnership, an unincorporated association, or a governmental entity.

(o) "Private university police department" means the police officers appointed by the governing board of a private university under IC 21-17-5.

(p) "Provider" has the meaning set out in IC 16-18-2-295(b) and includes employees of the state department of health or local boards of health who create patient records at the request of another provider or who are social workers and create records concerning the family background of children who may need assistance.

(q) "Public agency", except as provided in section 2.1 of this chapter, means the following:

(1) Any board, commission, department, division, bureau, committee, agency, office, instrumentality, or authority, by whatever name designated, exercising any part of the executive, administrative, judicial, or legislative power of the state.

(2) Any:

(A) county, township, school corporation, city, or town, or any board, commission, department, division, bureau, committee, office, instrumentality, or authority of any county, township, school corporation, city, or town;

(B) political subdivision (as defined by IC 36-1-2-13); or

(C) other entity, or any office thereof, by whatever name designated, exercising in a limited geographical area the executive, administrative, judicial, or legislative power of the state or a delegated local governmental power.

(3) Any entity or office that is subject to:

(A) budget review by either the department of local government finance or the governing body of a county, city, town, township, or school corporation; or

(B) an audit by the state board of accounts that is required by statute, rule, or regulation.

(4) Any building corporation of a political subdivision that issues bonds for the purpose of constructing public facilities.

(5) Any advisory commission, committee, or body created by statute, ordinance, or executive order to advise the governing body of a public agency, except medical staffs or the committees of any such staff.

(6) Any law enforcement agency, which means an agency or a department of any level of government that engages in the investigation, apprehension, arrest, or prosecution of alleged criminal offenders, such as the state police department, the police or sheriff's department of a political subdivision, prosecuting

attorneys, members of the excise police division of the alcohol and tobacco commission, conservation officers of the department of natural resources, gaming agents of the Indiana gaming commission, gaming control officers of the Indiana gaming commission, and the security division of the state lottery commission.

(7) Any license branch operated under IC 9-14.1.

(8) The state lottery commission established by IC 4-30-3-1, including any department, division, or office of the commission.

(9) The Indiana gaming commission established under IC 4-33, including any department, division, or office of the commission.

(10) The Indiana horse racing commission established by IC 4-31, including any department, division, or office of the commission.

(11) A private university police department. The term does not include the governing board of a private university or any other department, division, board, entity, or office of a private university.

(r) "Public record" means any writing, paper, report, study, map, photograph, book, card, tape recording, or other material that is created, received, retained, maintained, or filed by or with a public agency and which is generated on paper, paper substitutes, photographic media, chemically based media, magnetic or machine readable media, electronically stored data, or any other material, regardless of form or characteristics.

(s) "Standard-sized documents" includes all documents that can be mechanically reproduced (without mechanical reduction) on paper sized eight and one-half (8 1/2) inches by eleven (11) inches or eight and one-half (8 1/2) inches by fourteen (14) inches.

(t) "Trade secret" has the meaning set forth in IC 24-2-3-2.

(u) "Work product of an attorney" means information compiled by an attorney in reasonable anticipation of litigation. The term includes the attorney's:

(1) notes and statements taken during interviews of prospective witnesses; and

(2) legal research or records, correspondence, reports, or memoranda to the extent that each contains the attorney's opinions, theories, or conclusions.

This definition does not restrict the application of any exception under section 4 of this chapter.

SECTION 2. IC 5-14-3-4, AS AMENDED BY THE TECHNICAL CORRECTIONS BILL OF THE 2020 GENERAL ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 4. (a) The following public records are excepted from section 3 of this chapter and may not be disclosed by a public agency, unless access to the records is specifically required by a state or federal statute or is ordered by a court under the rules of discovery:

(1) Those declared confidential by state statute.

(2) Those declared confidential by rule adopted by a public agency under specific authority to classify public records as confidential granted to the public agency by statute.

(3) Those required to be kept confidential by federal law.

(4) Records containing trade secrets.

(5) Confidential financial information obtained, upon request, from a person. However, this does not include information that is filed with or received by a public agency pursuant to state statute.

(6) Information concerning research, including actual research documents, conducted under the auspices of a state educational institution, including information:

(A) concerning any negotiations made with respect to the research; and

(B) received from another party involved in the research.

(7) Grade transcripts and license examination scores obtained as part of a licensure process.

(8) Those declared confidential by or under rules adopted by the supreme court of Indiana.

(9) Patient medical records and charts created by a provider, unless the patient gives written consent under IC 16-39 or as provided under IC 16-41-8.

(10) Application information declared confidential by the Indiana economic development corporation under IC 5-28-16.

(11) A photograph, a video recording, or an audio recording of an autopsy, except as provided in IC 36-2-14-10.

(12) A Social Security number contained in the records of a public agency.

(13) The following information that is part of a foreclosure action subject to IC 32-30-10.5:

(A) Contact information for a debtor, as described in IC 32-30-10.5-8(d)(1)(B).

(B) Any document submitted to the court as part of the debtor's loss mitigation package under IC 32-30-10.5-10(a)(3).

(14) The following information obtained from a call made to a fraud hotline established under IC 36-1-8-8.5:

(A) The identity of any individual who makes a call to the fraud hotline.

(B) A report, transcript, audio recording, or other information concerning a call to the fraud hotline.

However, records described in this subdivision may be disclosed to a law enforcement agency, a private university police department, the attorney general, the inspector general, the state examiner, or a prosecuting attorney.

(b) Except as otherwise provided by subsection (a), the following public records shall be excepted from section 3 of this chapter at the discretion of a public agency:

(1) Investigatory records of law enforcement agencies or private university police departments. For purposes of this chapter, a law enforcement recording is not an investigatory record. Law enforcement agencies or private university police departments may share investigatory records with a:

(A) person who advocates on behalf of a crime victim, including a victim advocate (as defined in IC 35-37-6-3.5) or a victim service provider (as defined in IC 35-37-6-5), for the purposes of providing services to a victim or describing services that may be available to a victim; and

(B) school corporation (as defined by IC 20-18-2-16(a)), charter school (as defined by IC 20-24-1-4), or nonpublic school (as defined by IC 20-18-2-12) for the purpose of enhancing the safety or security of a student or a school facility;

without the law enforcement agency or private university police department losing its discretion to keep those records confidential from other records requesters. However, certain law enforcement

records must be made available for inspection and copying as provided in section 5 of this chapter.

(2) The work product of an attorney representing, pursuant to state employment or an appointment by a public agency:

(A) a public agency;

(B) the state; or

(C) an individual.

(3) Test questions, scoring keys, and other examination data used in administering a licensing examination, examination for employment, or academic examination before the examination is given or if it is to be given again.

(4) Scores of tests if the person is identified by name and has not consented to the release of the person's scores.

(5) The following:

(A) Records relating to negotiations between:

(i) the Indiana economic development corporation;

(ii) the ports of Indiana;

(iii) the Indiana state department of agriculture;

(iv) the Indiana finance authority;

(v) an economic development commission;

(vi) a local economic development organization that is a nonprofit corporation established under state law whose primary purpose is the promotion of industrial or business development in Indiana, the retention or expansion of Indiana businesses, or the development of entrepreneurial activities in Indiana; or

(vii) a governing body of a political subdivision;

with industrial, research, or commercial prospects, if the records are created while negotiations are in progress. However, this clause does not apply to records regarding research that is prohibited under IC 16-34.5-1-2 or any other law.

(B) Notwithstanding clause (A), the terms of the final offer of public financial resources communicated by the Indiana economic development corporation, the ports of Indiana, the Indiana finance authority, an economic development commission, or a governing body of a political subdivision to an industrial, a research, or a commercial prospect shall be

available for inspection and copying under section 3 of this chapter after negotiations with that prospect have terminated.

(C) When disclosing a final offer under clause (B), the Indiana economic development corporation shall certify that the information being disclosed accurately and completely represents the terms of the final offer.

(D) Notwithstanding clause (A), an incentive agreement with an incentive recipient shall be available for inspection and copying under section 3 of this chapter after the date the incentive recipient and the Indiana economic development corporation execute the incentive agreement regardless of whether negotiations are in progress with the recipient after that date regarding a modification or extension of the incentive agreement.

(6) Records that are intra-agency or interagency advisory or deliberative material, including material developed by a private contractor under a contract with a public agency, that are expressions of opinion or are of a speculative nature, and that are communicated for the purpose of decision making.

(7) Diaries, journals, or other personal notes serving as the functional equivalent of a diary or journal.

(8) Personnel files of public employees and files of applicants for public employment, except for:

(A) the name, compensation, job title, business address, business telephone number, job description, education and training background, previous work experience, or dates of first and last employment of present or former officers or employees of the agency;

(B) information relating to the status of any formal charges against the employee; and

(C) the factual basis for a disciplinary action in which final action has been taken and that resulted in the employee being suspended, demoted, or discharged.

However, all personnel file information shall be made available to the affected employee or the employee's representative. This subdivision does not apply to disclosure of personnel information generally on all employees or for groups of employees without the request being particularized by employee name.

(9) Minutes or records of hospital medical staff meetings.
(10) Administrative or technical information that would jeopardize a record keeping system, voting system, voter registration system, or security system.
(11) Computer programs, computer codes, computer filing systems, and other software that are owned by the public agency or entrusted to it and portions of electronic maps entrusted to a public agency by a utility.
(12) Records specifically prepared for discussion or developed during discussion in an executive session under IC 5-14-1.5-6.1. However, this subdivision does not apply to that information required to be available for inspection and copying under subdivision (8).
(13) The work product of the legislative services agency under personnel rules approved by the legislative council.
(14) The work product of individual members and the partisan staffs of the general assembly.
(15) The identity of a donor of a gift made to a public agency if:
(A) the donor requires nondisclosure of the donor's identity as a condition of making the gift; or
(B) after the gift is made, the donor or a member of the donor's family requests nondisclosure.
(16) Library or archival records:
(A) which can be used to identify any library patron; or
(B) deposited with or acquired by a library upon a condition that the records be disclosed only:
(i) to qualified researchers;
(ii) after the passing of a period of years that is specified in the documents under which the deposit or acquisition is made; or
(iii) after the death of persons specified at the time of the acquisition or deposit.
However, nothing in this subdivision shall limit or affect contracts entered into by the Indiana state library pursuant to IC 4-1-6-8.
(17) The identity of any person who contacts the bureau of motor vehicles concerning the ability of a driver to operate a motor vehicle safely and the medical records and evaluations made by the bureau of motor vehicles staff or members of the driver

licensing medical advisory board regarding the ability of a driver to operate a motor vehicle safely. However, upon written request to the commissioner of the bureau of motor vehicles, the driver must be given copies of the driver's medical records and evaluations.

(18) School safety and security measures, plans, and systems, including emergency preparedness plans developed under 511 IAC 6.1-2-2.5.

(19) A record or a part of a record, the public disclosure of which would have a reasonable likelihood of threatening public safety by exposing a vulnerability to terrorist attack. A record described under this subdivision includes the following:

(A) A record assembled, prepared, or maintained to prevent, mitigate, or respond to an act of terrorism under IC 35-47-12-1 (before its repeal), an act of agricultural terrorism under IC 35-47-12-2 (before its repeal), or a felony terrorist offense (as defined in IC 35-50-2-18).

(B) Vulnerability assessments.

(C) Risk planning documents.

(D) Needs assessments.

(E) Threat assessments.

(F) Intelligence assessments.

(G) Domestic preparedness strategies.

(H) The location of community drinking water wells and surface water intakes.

(I) The emergency contact information of emergency responders and volunteers.

(J) Infrastructure records that disclose the configuration of critical systems such as voting system and voter registration system critical infrastructure, **and** communication, electrical, ventilation, water, and wastewater systems.

(K) Detailed drawings or specifications of structural elements, floor plans, and operating, utility, or security systems, whether in paper or electronic form, of any building or facility located on an airport (as defined in IC 8-21-1-1) that is owned, occupied, leased, or maintained by a public agency, or any part of a law enforcement recording that captures information about airport security procedures, areas, or systems. A record

described in this clause may not be released for public inspection by any public agency without the prior approval of the public agency that owns, occupies, leases, or maintains the airport. Both of the following apply to the public agency that owns, occupies, leases, or maintains the airport:

(i) The public agency is responsible for determining whether the public disclosure of a record or a part of a record, including a law enforcement recording, has a reasonable likelihood of threatening public safety by exposing a security procedure, area, system, or vulnerability to terrorist attack.

(ii) The public agency must identify a record described under item (i) and clearly mark the record as "confidential and not subject to public disclosure under IC 5-14-3-4(b)(19)(J) without approval of (insert name of submitting public agency)". However, in the case of a law enforcement recording, the public agency must clearly mark the record as "confidential and not subject to public disclosure under IC 5-14-3-4(b)(19)(K) without approval of (insert name of the public agency that owns, occupies, leases, or maintains the airport)".

(L) The home address, home telephone number, and emergency contact information for any:

(i) emergency management worker (as defined in IC 10-14-3-3);

(ii) public safety officer (as defined in IC 35-47-4.5-3);

(iii) emergency medical responder (as defined in IC 16-18-2-109.8); or

(iv) advanced emergency medical technician (as defined in IC 16-18-2-6.5).

This subdivision does not apply to a record or portion of a record pertaining to a location or structure owned or protected by a public agency in the event that an act of terrorism under IC 35-47-12-1 (before its repeal), an act of agricultural terrorism under IC 35-47-12-2 (before its repeal), or a felony terrorist offense (as defined in IC 35-50-2-18) has occurred at that location or structure, unless release of the record or portion of the record would have a reasonable likelihood of threatening public safety

by exposing a vulnerability of other locations or structures to terrorist attack.

(20) The following personal information concerning a customer of a municipally owned utility (as defined in IC 8-1-2-1):

(A) Telephone number.

(B) Address.

(C) Social Security number.

(21) The following personal information about a complainant contained in records of a law enforcement agency:

(A) Telephone number.

(B) The complainant's address. However, if the complainant's address is the location of the suspected crime, infraction, accident, or complaint reported, the address shall be made available for public inspection and copying.

(22) Notwithstanding subdivision (8)(A), the name, compensation, job title, business address, business telephone number, job description, education and training background, previous work experience, or dates of first employment of a law enforcement officer who is operating in an undercover capacity.

(23) Records requested by an offender, **an agent, or a relative of an offender** that:

(A) contain personal information relating to:

(i) a correctional officer (as defined in IC 5-10-10-1.5);

(ii) a probation officer;

(iii) a community corrections officer;

~~(ii)~~ **(iv)** a law enforcement officer (as defined in IC 35-31.5-2-185);

~~(iii)~~ **(v)** a judge (as defined in IC 33-38-12-3);

~~(iv)~~ **(vi)** the victim of a crime; or

~~(v)~~ **(vii)** a family member of a correctional officer, **probation officer, community corrections officer,** law enforcement officer (as defined in IC 35-31.5-2-185), judge (as defined in IC 33-38-12-3), or victim of a crime; or

(B) concern or could affect the security of a jail or correctional facility.

For purposes of this subdivision, "agent" means a person who is authorized by an offender to act on behalf of, or at the direction of, the offender, and "relative" has the meaning set

forth in IC 35-42-2-1(b). However, the term "agent" does not include an attorney in good standing admitted to the practice of law in Indiana.

(24) Information concerning an individual less than eighteen (18) years of age who participates in a conference, meeting, program, or activity conducted or supervised by a state educational institution, including the following information regarding the individual or the individual's parent or guardian:

(A) Name.

(B) Address.

(C) Telephone number.

(D) Electronic mail account address.

(25) Criminal intelligence information.

(26) The following information contained in a report of unclaimed property under IC 32-34-1-26 or in a claim for unclaimed property under IC 32-34-1-36:

(A) Date of birth.

(B) Driver's license number.

(C) Taxpayer identification number.

(D) Employer identification number.

(E) Account number.

(27) Except as provided in subdivision (19) and sections 5.1 and 5.2 of this chapter, a law enforcement recording. However, before disclosing the recording, the public agency must comply with the obscuring requirements of sections 5.1 and 5.2 of this chapter, if applicable.

(28) Records relating to negotiations between a state educational institution and another entity concerning the establishment of a collaborative relationship or venture to advance the research, engagement, or educational mission of the state educational institution, if the records are created while negotiations are in progress. The terms of the final offer of public financial resources communicated by the state educational institution to an industrial, a research, or a commercial prospect shall be available for inspection and copying under section 3 of this chapter after negotiations with that prospect have terminated. However, this subdivision does not apply to records regarding research prohibited under IC 16-34.5-1-2 or any other law.

(c) Nothing contained in subsection (b) shall limit or affect the right of a person to inspect and copy a public record required or directed to be made by any statute or by any rule of a public agency.

(d) Notwithstanding any other law, a public record that is classified as confidential, other than a record concerning an adoption or patient medical records, shall be made available for inspection and copying seventy-five (75) years after the creation of that record.

(e) Only the content of a public record may form the basis for the adoption by any public agency of a rule or procedure creating an exception from disclosure under this section.

(f) Except as provided by law, a public agency may not adopt a rule or procedure that creates an exception from disclosure under this section based upon whether a public record is stored or accessed using paper, electronic media, magnetic media, optical media, or other information storage technology.

(g) Except as provided by law, a public agency may not adopt a rule or procedure nor impose any costs or liabilities that impede or restrict the reproduction or dissemination of any public record.

(h) Notwithstanding subsection (d) and section 7 of this chapter:

(1) public records subject to IC 5-15 may be destroyed only in accordance with record retention schedules under IC 5-15; or

(2) public records not subject to IC 5-15 may be destroyed in the ordinary course of business.

P.L.65-2020
[S.230. Approved March 18, 2020.]

AN ACT to amend the Indiana Code concerning local government.

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

SECTION 1. IC 36-1-11-10.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 10.5. (a) This section applies only to property owned by a political subdivision that fronts and abuts real property assessed as commercial land under the real property assessment rules and guidelines of the department of local government finance. A disposing agent may proceed under this section in leasing the property.**

(b) As used in this section, "property of the political subdivision" means real property owned by a political subdivision that extends from the curb or edge of a public street or roadway to the front of commercial property owned by a person. The term includes the following:

(1) A parkway strip, tree row, or verge.

(2) A sidewalk.

(c) A political subdivision may, by ordinance or resolution, authorize the lease of property of the political subdivision to the owner or property manager of the commercial property that abuts or fronts on the property:

(1) upon such terms as are agreed to between the political subdivision and the property owner or property manager, subject to subsection (d); and

(2) without competitive bidding.

(d) The following apply to a lease executed under this section:

(1) A lease may include an option to renew.

(2) A lease may not include an option to purchase.

(3) The property may not be leased to a person who is ineligible under section 16 of this chapter.

(4) Property owned by a political subdivision may be leased for a term longer than three (3) years, if the lease is approved by the fiscal body of the political subdivision.

(5) Upon execution of the lease, the property owner or property manager shall be responsible for the maintenance, control, and supervision of the property of the political subdivision, subject to the public's right to use a sidewalk on the property of the political subdivision as a walkway.

(6) The lessee shall assume the liability of the political subdivision for personal injuries and property damage to third parties occurring on the property during the lease period. A lease shall be conditioned upon the lessee maintaining insurance coverage on the leased property for public liability and property damage in an amount determined sufficient by the political subdivision.

(7) The lease must be recorded in the office of the recorder of the county where the property is located.

(e) A lease may not be entered into under this section unless the lease is authorized by an ordinance or resolution approved by at least a two-thirds (2/3) vote of the members of the fiscal body of the political subdivision.

P.L.66-2020
[S.237. Approved March 18, 2020.]

AN ACT to amend the Indiana Code concerning local government.

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

SECTION 1. IC 36-8-4-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 5. (a) A city shall pay for the care of a police officer or firefighter who suffers an injury while performing the person's duty **or while the person is on duty** or **who** contracts illness caused by the performance of the person's duty, including an injury or illness that results in a disability or death presumed incurred in the line of duty under IC 5-10-13. This care includes:

(1) medical and surgical care;

(2) medicines and laboratory, curative, and palliative agents and means;

(3) X-ray, diagnostic, and therapeutic service, including during the recovery period; and

(4) hospital and special nursing care if the physician or surgeon in charge considers it necessary for proper recovery.

(b) Expenditures required by subsection (a) shall be paid from the general fund of the city.

(c) A city that has paid for the care of a police officer or firefighter under subsection (a) has a cause of action for reimbursement of the amount paid under subsection (a) against any third party against whom the police officer or firefighter has a cause of action for an injury sustained because of or an illness caused by the third party. The city's cause of action under this subsection is in addition to, and not in lieu of, the cause of action of the police officer or firefighter against the third party.

P.L.67-2020
[S.239. Approved March 18, 2020.]

AN ACT to amend the Indiana Code concerning insurance.

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

SECTION 1. IC 5-10-8-16.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 16.5. (a) As used in this section, "covered individual" means an individual who is entitled to coverage under a state employee health plan.**

(b) As used in this section, "mastectomy" means the removal of all or part of a breast for reasons that are determined by a licensed physician to be medically necessary.

(c) A state employee health plan that provides coverage for a mastectomy must provide coverage as required under 29 U.S.C. 1185b, including coverage for:

(1) prosthetic devices; and

(2) reconstructive surgery incident to a mastectomy including:

(A) all stages of reconstruction of the breast on which the mastectomy has been performed; and

(B) surgery and reconstruction of the other breast to produce symmetry;

in the manner determined by the attending physician and the covered individual to be appropriate.

(d) In addition to the coverage required by 29 U.S.C. 1185b, a state employee health plan that provides coverage for a mastectomy must provide coverage for:

(1) custom fabricated breast prostheses; and

(2) one (1) additional breast prosthesis per breast affected by the mastectomy.

(e) Coverage required under this section is subject to:

(1) the deductible and coinsurance provisions applicable to a mastectomy; and

(2) all other terms and conditions applicable to other benefits.

(f) A state employee health plan must provide to a covered individual, when the individual's coverage under the state employee health plan begins and annually thereafter, written notice of the coverage required under this section. Notice that is sent by the state employee health plan that meets the requirements set forth in 29 U.S.C. 1185b constitutes compliance with this subsection.

(g) The coverage required under this section applies to a state employee health plan that provides coverage for a mastectomy, regardless of whether an individual who:

(1) underwent a mastectomy; and

(2) is covered under the state employee health plan;

was covered under the state employee health plan at the time of the mastectomy.

(h) Except as provided in subsection (d), this section does not require a state employee health plan to provide coverage related to postmastectomy care that exceeds the coverage required for postmastectomy care under federal law.

SECTION 2. IC 27-8-5-26 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 26. (a) As used in this section, "mastectomy" means the removal of all or part of the breast for reasons that are determined by a licensed physician to be medically necessary.

(b) A policy of accident and sickness insurance that provides coverage for a mastectomy may not be issued, amended, delivered, or renewed in Indiana unless the policy provides coverage as required under 29 U.S.C. 1185b, including coverage for:

(1) prosthetic devices; and

(2) reconstructive surgery incident to a mastectomy including:

(A) all stages of reconstruction of the breast on which the mastectomy has been performed; and

(B) surgery and reconstruction of the other breast to produce symmetry;

in the manner determined by the attending physician and the patient to be appropriate.

(c) In addition to the coverage required by 29 U.S.C. 1185b, a policy of accident and sickness insurance that provides coverage for a mastectomy must provide coverage for:

(1) custom fabricated breast prostheses; and

(2) one (1) additional breast prosthesis per breast affected by the mastectomy.

~~(c)~~ **(d)** Coverage required under this section is subject to:

(1) the deductible and coinsurance provisions applicable to a mastectomy; and

(2) all other terms and conditions applicable to other benefits.

~~(d)~~ **(e)** An insurer that issues a policy of accident and sickness insurance shall provide to an insured, at the time the policy is issued and annually thereafter, written notice of the coverage required under this section. Notice that is sent by the insurer that meets the requirements set forth in 29 U.S.C. 1185b constitutes compliance with this subsection.

~~(e)~~ **(f)** The coverage required under this section applies to a policy of accident and sickness insurance that provides coverage for a mastectomy, regardless of whether an individual who:

(1) underwent a mastectomy; and

(2) is covered under the policy;

was covered under the policy at the time of the mastectomy.

~~(f)~~ **(g) Except as provided in subsection (c),** this section does not require an insurer to provide coverage related to post mastectomy care that exceeds the coverage required for post mastectomy care under federal law.

SECTION 3. IC 27-13-7-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 14. (a) As used in this section, "mastectomy" means the removal of all or part of the breast for reasons that are determined by a licensed physician to be medically necessary.

(b) A contract with a health maintenance organization that provides coverage for a mastectomy must provide coverage as required under 29 U.S.C. 1185b, including coverage for:

(1) prosthetic devices; and

(2) reconstructive surgery incident to a mastectomy including:

(A) all stages of reconstruction of the breast on which the mastectomy has been performed; and

(B) surgery and reconstruction of the other breast to produce symmetry;

in the manner determined by the attending physician and the patient to be appropriate.

(c) In addition to the coverage required by 29 U.S.C. 1185b, a health maintenance organization contract that provides coverage for a mastectomy must provide coverage for:

(1) custom fabricated breast prostheses; and

(2) one (1) additional breast prosthesis per breast affected by the mastectomy.

~~(c)~~ **(d)** Coverage required under this section is subject to:

(1) the deductible and coinsurance provisions applicable to a mastectomy; and

(2) all other terms and conditions applicable to other services under the contract.

~~(d)~~ **(e)** A health maintenance organization shall provide to an enrollee, at the time that an individual contract or a group contract is entered into and annually thereafter, written notice of the coverage required under this section. Notice that is sent by the health maintenance organization that meets the requirements set forth in 29 U.S.C. 1185b constitutes compliance with this subsection.

~~(e)~~ **(f)** The coverage required under this section applies to a contract with a health maintenance organization that provides coverage for a mastectomy, regardless of whether an individual who:

(1) underwent a mastectomy; and

(2) is covered under the contract;

was covered under the contract at the time of the mastectomy.

~~(f)~~ **(g) Except as provided in subsection (c),** this section does not require a health maintenance organization to provide coverage related to post mastectomy care that exceeds the coverage required for post mastectomy care under federal law.

P.L.68-2020
[S.241. Approved March 18, 2020.]

AN ACT to amend the Indiana Code concerning insurance.

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

SECTION 1. IC 27-1-24.5 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]:

Chapter 24.5. Pharmacy Benefit Managers

Sec. 1. As used in this chapter, "covered individual" means an individual who is entitled to coverage under a health plan.

Sec. 2. As used in this chapter, "effective rate of reimbursement" includes the following:

(1) Generic effective rates.

(2) Brand effective rates.

(3) Direct and indirect remuneration fees.

(4) Any other reduction or aggregate reduction of payment.

Sec. 3. As used in this chapter, "equal access and incentives" means that a pharmacy benefit manager allows any willing pharmacy provider to participate as part of any of the pharmacy benefit manager's networks as long as the pharmacy provider agrees to the terms and conditions of the relevant contract applicable to any other pharmacy provider within that network.

Sec. 4. As used in this chapter, "generic drug" means a drug product that is identified by the drug's chemical name and that is:

(1) accepted by the federal Food and Drug Administration;

(2) available from at least three (3) sources; and

(3) therapeutically equivalent to an originating brand name drug.

Sec. 5. As used in this chapter, "health plan" means the following:

(1) A state employee health plan (as defined in IC 5-10-8-6.7).

(2) A policy of accident and sickness insurance (as defined in IC 27-8-5-1). However, the term does not include the coverages described in IC 27-8-5-2.5(a).

(3) An individual contract (as defined in IC 27-13-1-21) or a group contract (as defined in IC 27-13-1-16) that provides coverage for basic health care services (as defined in IC 27-13-1-4).

Sec. 6. As used in this chapter, "independent pharmacies" means pharmacies that are not a pharmacy benefit manager affiliate.

Sec. 7. As used in this chapter, "maximum allowable cost" means the maximum amount that a pharmacy benefit manager will reimburse a pharmacy for the cost of a generic prescription drug. The term does not include a dispensing fee or professional fee.

Sec. 8. As used in this chapter, "maximum allowable cost list" means a list of drugs that is used:

(1) by a pharmacy benefit manager; and

(2) to set the maximum amount that may be reimbursed to a pharmacy or pharmacist for a drug.

Sec. 9. As used in this chapter, "pharmacist" means an individual licensed as a pharmacist under IC 25-26.

Sec. 10. As used in this chapter, "pharmacist services" means products, goods, and services provided as part of the practice of pharmacy.

Sec. 11. As used in this chapter, "pharmacy" means the physical location:

(1) that is licensed under IC 25-26; and

(2) at which drugs, chemicals, medicines, prescriptions, and poisons are compounded, dispensed, or sold at retail.

Sec. 12. (a) As used in this chapter, "pharmacy benefit manager" means an entity that, on behalf of a health benefits plan, state agency, insurer, managed care organization, or other third party payor:

(1) contracts directly or indirectly with pharmacies to provide prescription drugs to individuals;

(2) administers a prescription drug benefit;

(3) processes or pays pharmacy claims;

(4) creates or updates prescription drug formularies;

(5) makes or assists in making prior authorization determinations on prescription drugs;

(6) administers rebates on prescription drugs; or

(7) establishes a pharmacy network.

(b) The term does not include the following:

(1) A person licensed under IC 16.

(2) A health provider who is:

(A) described in IC 25-0.5-1; and

(B) licensed or registered under IC 25.

(3) A consultant who only provides advice concerning the selection or performance of a pharmacy benefit manager.

Sec. 13. As used in this chapter, "pharmacy benefit manager affiliate" means a pharmacy or pharmacist that directly or indirectly, through one (1) or more intermediaries:

(1) owns or controls;

(2) is owned or controlled by; or

(3) is under common ownership or control with;

a pharmacy benefit manager.

Sec. 14. As used in this chapter, "pharmacy benefit manager network" means a group of pharmacies or pharmacists that is offered:

(1) through an agreement or health plan contract; and

(2) to provide pharmacist services for health plans.

Sec. 15. As used in this chapter, "pharmacy services administrative organization" means an organization that assists independent pharmacies and pharmacy benefit managers or health plans to achieve administrative efficiencies, including contracting and payment efficiencies.

Sec. 16. (a) As used in this chapter, "rebate" means a discount or other price concession that is:

(1) based on use of a prescription drug; and

(2) paid by a manufacturer or third party to a pharmacy benefit manager, pharmacy services administrative organization, or pharmacy after a claim has been processed and paid at a pharmacy.

(b) The term includes an incentive and a disbursement.

Sec. 17. As used in this chapter, "third party" means a person other than a:

(1) pharmacy benefit manager; or

(2) covered individual.

Sec. 18. A person shall, before establishing or operating as a pharmacy benefit manager, apply to and obtain a license from the commissioner under this chapter.

Sec. 19. (a) A pharmacy benefit manager shall provide equal access and incentives to all pharmacies within the pharmacy benefit network.

(b) A pharmacy benefit manager may not do any of the following:

(1) Condition participation in any network on accreditation, credentialing, or licensing of a pharmacy provider that, other than a license or permit required by the Indiana board of pharmacy or other state or federal regulatory authority for the services provided by the pharmacy. However, nothing in this subdivision precludes the department from providing credentialing or accreditation standards for pharmacies.

(2) Discriminate against any pharmacy provider.

(3) Directly or indirectly retroactively deny a claim or aggregate of claims after the claim or aggregate of claims has been adjudicated, unless any of the following apply:

(A) The original claim was submitted fraudulently.

(B) The original claim payment was incorrect because the pharmacy or pharmacist had already been paid for the drug.

(C) The pharmacist services were not properly rendered by the pharmacy or pharmacist.

(4) Reduce, directly or indirectly, payment to a pharmacy for pharmacist services to an effective rate of reimbursement, including permitting an insurer or plan sponsor to make such a reduction.

(5) Reimburse a pharmacy that is affiliated with the pharmacy benefit manager, other than solely being included in the pharmacy benefit manager's network, at a greater reimbursement rate than other pharmacies in the same network.

A violation of this subsection by a pharmacy benefit manager constitutes an unfair or deceptive act or practice in the business of insurance under IC 27-4-1-4.

Sec. 20. (a) The commissioner shall do the following:

(1) Prescribe an application for use in applying for a license to operate as a pharmacy benefit manager.

(2) Adopt rules under IC 4-22-2 to establish the following:

(A) Pharmacy benefit manager licensing requirements.

(B) Licensing fees.

(C) A license application.

(D) Financial standards for pharmacy benefit managers.

(E) Reporting requirements described in section 21 of this chapter.

(F) The time frame for the resolution of an appeal under section 22 of this chapter.

(b) The commissioner may do the following:

(1) Charge a license application fee and renewal fees established under subsection (a)(2) in an amount not to exceed five hundred dollars ($500) to be deposited in the department of insurance fund established by IC 27-1-3-28.

(2) Examine or audit the books and records of a pharmacy benefit manager one (1) time per year to determine if the pharmacy benefit manager is in compliance with this chapter.

(3) Adopt rules under IC 4-22-2 to:

(A) implement this chapter; and

(B) specify requirements for the following:

(i) Prohibited market conduct practices.

(ii) Data reporting in connection with violations of state law.

(iii) Maximum allowable cost list compliance and enforcement requirements, including the requirements of sections 22 and 23 of this chapter.

(iv) Prohibitions and limits on pharmacy benefit manager practices that require licensure under IC 25-22.5.

(v) Pharmacy benefit manager affiliate information sharing.

(vi) Lists of health plans administered by a pharmacy benefit manager in Indiana.

(c) Financial information and proprietary information submitted by a pharmacy benefit manager to the department is confidential.

Sec. 21. (a) Beginning June 1, 2021, and annually thereafter, a pharmacy benefit manager shall submit a report containing data from the immediately preceding calendar year to the commissioner. The commissioner shall determine what must be included in the report and consider the following information to be included in the report:

(1) The aggregate amount of all rebates that the pharmacy benefit manager received from all pharmaceutical manufacturers for:

(A) all insurers; and

(B) each insurer;

with which the pharmacy benefit manager contracted during the immediately preceding calendar year.

(2) The aggregate amount of administrative fees that the pharmacy benefit manager received from all pharmaceutical manufacturers for:

(A) all insurers; and

(B) each insurer;

with which the pharmacy benefit manager contracted during the immediately preceding calendar year.

(3) The aggregate amount of retained rebates that the pharmacy benefit manager received from all pharmaceutical manufacturers and did not pass through to insurers with which the pharmacy benefit manager contracted during the immediately preceding calendar year.

(4) The highest, lowest, and mean aggregate retained rebate for:

(A) all insurers; and

(B) each insurer;

with which the pharmacy benefit manager contracted during the immediately preceding calendar year.

(b) A pharmacy benefit manager that provides information under this section may designate the information as a trade secret

(as defined in IC 24-2-3-2). Information designated as a trade secret under this subsection must not be published unless required under subsection (c).

(c) Disclosure of information designated as a trade secret under subsection (b) may be ordered by a court of Indiana for good cause shown or made in a court filing.

Sec. 22. (a) A pharmacy benefit manager shall do the following:

(1) Identify to contracted:

(A) pharmacy service administration organizations; or

(B) pharmacies if the pharmacy benefit manager contracts directly with pharmacies;

the sources used by the pharmacy benefit manager to calculate the drug product reimbursement paid for covered drugs available under the pharmacy health benefit plan administered by the pharmacy benefit manager.

(2) Establish an appeal process for contracted pharmacies, pharmacy services administrative organizations, or group purchasing organizations to appeal and resolve disputes concerning the maximum allowable cost pricing.

(3) Update and make available to pharmacies:

(A) at least every forty-five (45) days; or

(B) in a different time frame if contracted between a pharmacy benefit manager and a pharmacy;

the pharmacy benefit manager's maximum allowable cost list.

(b) The appeal process required by subsection (a)(2) must include the following:

(1) The right to appeal a claim not to exceed sixty (60) days following the initial filing of the claim.

(2) The investigation and resolution of a filed appeal by the pharmacy benefit manager in a time frame determined by the commissioner.

(3) If an appeal is denied, a requirement that the pharmacy benefit manager provide the reason for the denial.

(4) If an appeal is approved, a requirement that the pharmacy benefit manager do the following:

(A) Change the maximum allowable cost of the drug for the pharmacy that filed the appeal as of the initial date of service that the appealed drug was dispensed.

(B) Adjust the maximum allowable cost of the drug for the appealing pharmacy and for all other contracted pharmacies in the same network of the pharmacy benefit manager that filled a prescription for patients covered under the same health benefit plan beginning on the initial date of service the appealed drug was dispensed.

(C) Adjust the drug product reimbursement for contracted pharmacies that resubmit claims to reflect the adjusted maximum allowable cost, if applicable.

(D) Allow the appealing pharmacy and all other contracted pharmacies in the network that filled the prescriptions for patients covered under the same health benefit plan to reverse and resubmit claims and receive payment based on the adjusted maximum allowable cost from the initial date of service the appealed drug was dispensed.

(E) Make retroactive price adjustments in the next payment cycle unless otherwise agreed to by the pharmacy.

(5) The establishment of procedures for auditing submitted claims by a contract pharmacy in a manner established by administrative rules under IC 4-22-2 by the department. The auditing procedures:

(A) may not use extrapolation or any similar methodology;

(B) may not allow for recovery by a pharmacy benefit manager of a submitted claim due to clerical or other error where the patient has received the drug for which the claim was submitted;

(C) must allow for recovery by a contract pharmacy for underpayments by the pharmacy benefit manager; and

(D) may only allow for the pharmacy benefit manager to recover overpayments on claims that are actually audited and discovered to include a recoverable error.

(c) The department must approve the manner in which a pharmacy benefit manager may respond to an appeal filed under this section. The department shall establish a process for a pharmacy benefit manager to obtain approval from the department under this section.

Sec. 23. (a) For every drug for which the pharmacy benefit manager establishes a maximum allowable cost to determine the

drug product reimbursement, the pharmacy benefit manager shall make available to a contracted pharmacy services administration organization to make available to the pharmacies, or to a pharmacy if the pharmacy benefit manager contracts directly with a pharmacy, in a manner established by the department by administrative rule described in subsection (b) the following:

(1) Information identifying the national drug pricing compendia or sources used to obtain the drug price data.

(2) The comprehensive list of drugs subject to maximum allowable cost and the actual maximum allowable cost for each drug.

(b) The department shall adopt rules under IC 4-22-2 concerning the manner in which a pharmacy benefit manager shall communicate the following to contracted pharmacy services administration organizations:

(1) Drug price data should be used to establish drug reimbursements by pharmacy benefit managers as described in subsection (a)(1).

(2) The comprehensive list of drugs described in subsection (a)(2).

(c) The department may, concerning a maximum allowable cost list, consider whether a drug is:

(1) obsolete;

(2) temporary unavailable;

(3) to be included on a drug shortage list; or

(4) unable to be lawfully substituted.

Sec. 24. (a) For every drug for which a pharmacy benefit manager establishes a maximum allowable cost to determine reimbursement for the drug product, the pharmacy benefit manager shall make available to the department, upon request of the department, information that is needed to resolve an appeal.

(b) If the pharmacy benefit manager fails to promptly make available to the department the information as required in subsection (a), the department shall consider the appeal granted in favor of the appealing pharmacy.

Sec. 25. (a) A party that has contracted with a pharmacy benefit manager to provide services may, at least one (1) time in a calendar year, request an audit of compliance with the contract. The audit

may include full disclosure of rebate amounts secured on prescription drugs, whether product specific or general rebates, that were provided by a pharmaceutical manufacturer and any other revenue and fees derived by the pharmacy benefit manager from the contract. A contract may not contain provisions that impose unreasonable fees or conditions that would severely restrict a party's right to conduct an audit under this subsection.

(b) A pharmacy benefit manager shall disclose, upon request from a party that has contracted with a pharmacy benefit manager, to the party the actual amounts paid by the pharmacy benefit manager to any pharmacy.

(c) A pharmacy benefit manager shall provide notice to a party contracting with the pharmacy benefit manager any consideration that the pharmacy benefit manager receives from a pharmacy manufacturer for any name brand dispensing of a prescription when a generic or biologically similar product is available for the prescription.

(d) The commissioner may establish a procedure to release information from an audit performed by the department to a party that has requested an audit under this section in a manner that does not violate confidential or proprietary information laws.

(e) Any provision of a contract entered into, issued, or renewed after June 30, 2020, that violates this section is unenforceable.

Sec. 26. A person or entity that has contracted with a pharmacy benefit manager for the performance of services described in section 12(a) of this chapter is entitled to full disclosure from the pharmacy benefit manager of the terms of a contract between the pharmacy benefit manager and any other person or entity within the same network concerning the performance of the services described in section 12(a) of this chapter, including:

(1) the purchase price for prescription drugs within the same network and set by a contract entered into by the pharmacy benefit manager; and

(2) the amount of any rebate provided in connection with the purchase of prescription drugs within the same network by a contract entered into by the pharmacy benefit manager.

Sec. 27. A pharmacy services administrative organization shall, upon request, fully disclose to an independent pharmacy on whose

behalf the pharmacy services administrative organization acts the terms of a contract between the pharmacy services administrative organization and any other person or entity concerning the actions taken by the pharmacy services administrative organization on behalf of the independent pharmacy.

Sec. 28. (a) A violation of this chapter is an unfair or deceptive act or practice in the business of insurance under IC 27-4-1-4.

(b) The department may also adopt rules under IC 4-22-2 to set forth fines for a violation under this chapter.

SECTION 2. IC 27-1-24.8 IS REPEALED [EFFECTIVE JULY 1, 2020]. (Pharmacy Benefit Managers).

SECTION 3. [EFFECTIVE JULY 1, 2020] **(a) Notwithstanding IC 27-1-24.5, as added by this act, a pharmacy benefit manager must be licensed by the department of insurance not later than December 31, 2020, in order to do business in Indiana and provide services for any health provider contract (as defined in IC 27-1-37-3) that is in effect beginning or after January 1, 2021.**

(b) This SECTION expires December 31, 2021.

P.L.69-2020
[S.246. Approved March 18, 2020.]

AN ACT to amend the Indiana Code concerning education.

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

SECTION 1. IC 10-21-1-5, AS AMENDED BY P.L.211-2019, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 5. (a) A school corporation, charter school, or accredited nonpublic school may annually apply to the board for a matching grant from the fund for a program described in section 2(a)(1) of this chapter.

(b) The application must include the following:

(1) A concise description of the school corporation's, charter school's, or accredited nonpublic school's security needs.

(2) The estimated cost of the program to the school corporation, charter school, or accredited nonpublic school.

(3) The extent to which the school corporation, charter school, or accredited nonpublic school has access to and support from a nearby law enforcement agency, if applicable.

(4) The ADM of the school corporation or charter school or the equivalent for an accredited nonpublic school (or the combined ADM of the coalition of schools applying jointly).

(5) Any other information required by the board.

(6) A statement whether the school corporation or charter school has completed a local plan and has filed the plan with the county school safety commission for the county in which the school corporation or charter school is located.

(7) A statement whether the school corporation or charter school (or coalition of public schools applying jointly) requests an advance under IC 20-49-10 in addition to a matching grant under this chapter.

(c) Before July 1, 2021, each school corporation, charter school, or accredited nonpublic school shall certify to the department of homeland security that the school corporation, charter school, or accredited nonpublic school has conducted a threat assessment for each school building used by the school corporation, charter school, or accredited nonpublic school before applying for a grant under this chapter.

(d) Before July 1, 2021, each school corporation, charter school, or accredited nonpublic school shall certify to the department of homeland security that the school corporation, charter school, or accredited nonpublic school has a memorandum of understanding in place with a community mental health center established under IC 12-29-2 or provider certified or licensed by the state to provide mental or behavioral health services to students before applying for a grant under this chapter. A provider described in this subsection may be employed by the school corporation, charter school, or accredited nonpublic school.

SECTION 2. IC 20-34-3-21, AS ADDED BY P.L.185-2015, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 21. (a) ~~Before July 1, 2016,~~ Each school corporation **and charter school** ~~may~~ **shall** enter into a memorandum of understanding with a community mental health center established under IC 12-29-2 or a provider certified or licensed by the ~~division of mental health and addiction~~ **state** to ~~establish conditions or terms for referring students of the school corporation to the mental health care provider or community mental health center for services.~~ **provide appropriate and necessary mental or behavioral health services to students. The division of mental health and addiction shall develop a memorandum of understanding for referral and assist school corporations and charter schools in obtaining a memorandum of understanding with a community mental health center or an appropriate provider.**

(b) A school corporation **and a charter school** may not refer a student to a mental health care provider or a community mental health center for services unless the school corporation **or charter school** has received the written consent of the student's parent or guardian.

(c) If a school corporation **or charter school** refers a student to a mental health care provider, the school corporation **or charter school** may note the referral in the student's cumulative record but may not include any possible diagnosis or information concerning the student's mental health other than any medication that the student takes for the student's mental health. A student record that contains medical information must be kept confidential.

(d) A school counselor or other employee of a school corporation **or a charter school** may not diagnose a student as having a mental health condition unless the individual's scope of practice includes diagnosing a mental health condition.

(e) Before providing a referral under a memorandum of understanding, each school corporation and charter school shall comply with the following requirements:

(1) Develop a process for a teacher or school employee to notify a school official to contact a student's parent if the student demonstrates a repeated pattern of aberrant or abnormal behavior. The parental notification process described in this subdivision must also include that the school

will hold a conference with the student and the student's parent.

(2) Require that the conference described in subdivision (1) must address the student's potential need for and benefit from:

(A) mental or behavioral health services; or

(B) mental or behavioral health services provided by the community mental health center or appropriate provider that is contracted and paid for by the school corporation or charter school.

(3) Establish a procedure for a parent who chooses to seek services for the student to follow that includes granting written parental consent for the student to receive mental or behavioral health services by a community mental health center or appropriate provider described under subdivision (2).

(4) Ensure that a school maintains the confidentiality of any medical records that result from a student's participation in any treatment described in subdivision (2). The school must adopt a policy that prohibits the school from:

(A) sharing any reports or notes resulting from the provision of mental or behavioral health services described in subdivision (2)(A) with other school officials; and

(B) maintaining any reports, notes, diagnosis, or appointments that result from a student's participation in any treatment described in subdivision (2)(A) through (2)(B) in the student's permanent educational file.

P.L.70-2020
[S.249. Approved March 18, 2020.]

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

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

SECTION 1. IC 35-31.5-2-235.2 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 235.2. "Person in a position of trust", for purposes of IC 35-46-1-12, has the meaning set forth in IC 35-46-1-12.**

SECTION 2. IC 35-31.5-2-290.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 290.5. "Self-dealing", for purposes of IC 35-46-1-12, has the meaning set forth in IC 35-46-1-12.**

SECTION 3. IC 35-46-1-12, AS AMENDED BY P.L.158-2013, SECTION 556, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 12. **(a) The following definitions apply throughout this section:**

(1) "Person in a position of trust" means a person who has or had:

(A) the care of:

(i) an endangered adult; or

(ii) a dependent;

whether assumed voluntarily or because of a legal obligation; or

(B) a professional relationship with:

(i) an endangered adult; or

(ii) a dependent;

that may permit the person to exert undue influence over the endangered adult or dependent.

(2) "Self-dealing" means a person using the property of another person to gain a benefit that is grossly disproportionate to the goods or services provided to the other person. The term does not include an incidental benefit.

~~(a)~~ **(b)** ~~Except as provided in subsection (b),~~ A person who recklessly ~~knowingly, or intentionally~~ **uses or** exerts **control** ~~unauthorized use of~~ **over** the personal services or the property of:

(1) an endangered adult; or

(2) a dependent; ~~eighteen (18) years of age or older;~~

for the person's own profit or advantage or for the profit or advantage of another person, **but not for the profit or advantage of a person described in subdivision (1) or (2),** commits exploitation of a dependent or an endangered adult, a Class A misdemeanor. **However, the offense is a Level 6 felony if the person has a prior unrelated conviction under this section.**

(c) A person in a position of trust who recklessly engages in self-dealing with the property of:

(1) an endangered adult; or

(2) a dependent;

commits exploitation of a dependent or an endangered adult, a Class A misdemeanor. However, the offense is a Level 6 felony if the person has a prior unrelated conviction under this section.

~~(b) The offense described in subsection (a) is a Level 6 felony if:~~

~~(1) the fair market value of the personal services or property is more than ten thousand dollars ($10,000); or~~

~~(2) the endangered adult or dependent is at least sixty (60) years of age.~~

~~(c) Except as provided in subsection (d), a person who recklessly, knowingly, or intentionally deprives an endangered adult or a dependent of the proceeds of the endangered adult's or the dependent's benefits under the Social Security Act or other retirement program that the division of family resources has budgeted for the endangered adult's or dependent's health care commits financial exploitation of an endangered adult or a dependent, a Class A misdemeanor.~~

~~(d) The offense described in subsection (c) is a Level 6 felony if:~~

~~(1) the amount of the proceeds is more than ten thousand dollars ($10,000); or~~

~~(2) the endangered adult or dependent is at least sixty (60) years of age.~~

~~(e) It is not a defense to an offense committed under subsection (b)(2) or (d)(2) that the accused person reasonably believed that the endangered adult or dependent was less than sixty (60) years of age at the time of the offense.~~

~~(f)~~ **(d)** It is a defense to an offense committed under ~~subsection (a), (b), or (c)~~ **this section** if the accused person:

(1) has been granted a durable power of attorney or has been appointed a legal guardian to manage the affairs of an endangered adult or a dependent; and

(2) was acting within the scope of the accused person's fiduciary responsibility.

P.L.71-2020
[S.257. Approved March 18, 2020.]

AN ACT to amend the Indiana Code concerning utilities and transportation.

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

SECTION 1. IC 8-21-1-1, AS AMENDED BY P.L.136-2018, SECTION 98, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) The definitions in this section apply throughout this article.

(b) "Aeronautics" means:

(1) transportation by aircraft;

(2) the operation, construction, repair, or maintenance of aircraft, aircraft power plants and accessories, including the repair, packing, and maintenance of parachutes;

(3) the design, establishment, construction, extension, operation, improvement, repair, or maintenance of airports, landing fields, or other air navigation facilities; and

(4) air instruction.

(c) "Aircraft" means any contrivance used or designed for navigation of or flight in the air.

(d) "Public aircraft" means an aircraft used exclusively in the service of any government or of any political subdivision of a government, including the government of any state but not including any government owned aircraft engaged in carrying persons or property for commercial purposes.

(e) "Civil aircraft" means any aircraft other than a public aircraft.

(f) "Airport" means any location either on land or water which is used for the landing and taking off of aircraft.

(g) "Department" refers to the Indiana department of transportation.

(h) "Landing field" means any airport which provides neither facilities nor services other than an area designated for the landing and taking off of aircraft.

(i) "Air navigation facility" means any facility other than one owned or controlled by the federal government, used in, available for use in, or designed for use in aid of air navigation, including:

(1) airports;

(2) landing fields;

(3) any structures, mechanisms, lights, beacons, marks, communicating systems, or other instrumentalities or devices used or useful as an aid, or constituting an advantage or convenience, to the safe taking-off, navigation, and landing of aircraft, or the safe and efficient operation or maintenance of an airport or landing field; and

(4) any combination of any or all of such facilities.

(j) "Air navigation" means the operation or navigation of aircraft in the air space over this state, or upon any airport or landing field within this state.

(k) "Operation of aircraft" or "operate aircraft" means the use of aircraft for the purpose of air navigation, and includes the navigation or piloting of aircraft. Any person who causes or authorizes the operation of aircraft, whether with or without the right of legal control (in the capacity of owner, lessee, or otherwise) of the aircraft, is

considered to be engaged in the operation of aircraft within the meaning of the Indiana statutes.

(l) "Airman" means any individual who engages, as the person in command, or as pilot, mechanic, or member of the crew, in the navigation of aircraft while under way and (excepting individuals employed outside the United States, any individual employed outside the United States, any individual employed by a manufacturer of aircraft, aircraft engines, propellers, or appliances to perform duties as inspector or mechanic in connection with the manufacturer's aircraft, aircraft engines, propellers, or appliances, and any individual performing inspection or mechanical duties in connection with aircraft owned or operated by the individual) any individual who is directly in charge of the inspection, maintenance, overhauling, or repair of aircraft engines, propellers, or appliances and any individual who serves in the capacity of aircraft dispatcher or air-traffic control-tower operator.

(m) "Air instruction" means the imparting of aeronautical information by any aeronautics instructor or in or by any air school or flying club.

(n) "Air school" means any person engaged in giving, or offering to give, instruction in aeronautics, either in flying or ground subjects, or both, for or without hire or reward, and advertising, representing, or professing to give or offer to give such instruction.

(o) "Aeronautics instructor" means an individual engaged in giving instruction, or offering to give instruction, in aeronautics, either in flying or ground subjects, or both, for hire or reward, without advertising such occupation, without calling the individual's facilities an air school or anything equivalent thereto, and without employing or using other instructors.

(p) "Flying club" means any person other than an individual, which, neither for profit nor reward, owns, leases, or uses one (1) or more aircraft for the purpose of instruction or pleasure, or both.

(q) "Person" means any individual, firm, partnership, corporation, company, limited liability company, association, joint stock association, or body politic. The term includes any trustee, receiver, assignee, or other similar representative.

(r) "State airway" means a route in the navigable air space over and above the lands or water of Indiana designated by the department as a route suitable for air navigation.

(s) "Navigable air space" means air space above the minimum altitudes of flight prescribed by Indiana laws or by rules of the department consistent with Indiana laws.

(t) "Municipality" means any county, city, or town of Indiana and any other political subdivision, public corporation, authority, or district in Indiana which is or may be authorized by law to acquire, establish, construct, maintain, improve, and operate airports and other air navigation facilities.

(u) "Airport protection privileges" means easements through or other interests in air space over land or water, interests in airport hazards outside the boundaries of airports or landing fields, and other protection privileges, the acquisition or control of which is necessary to ensure safe approaches to the landing areas of the airports and landing fields and the safe and efficient operation of airports and landing fields.

(v) "Airport hazard" means any structure, object of natural growth, or use of land, which obstructs the air space required for the flight of aircraft in landing or taking off at any airport or landing field or is otherwise hazardous to such landing or taking off.

(w) "CAB-certificated air carrier" means an air carrier which is operating under a valid certificate of public convenience and necessity issued by the Civil Aeronautics Board under Public Law 85-726, Title VI, Aug. 23, 1958, 72 Stat. 754, 49 U.S.C. 1371 as amended.

(x) "Adverse impact on military operations and readiness" has the meaning set forth in 32 CFR 211.3.

(y) "Energy facility" means any structure that provides for the generation or transmission of electrical energy.

SECTION 2. IC 8-21-10-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) Unless a permit has been issued by the department, a person may not erect, alter, or add to the height of any structure which falls within any one (1) of the following categories:

(1) Any construction or alteration of more than two hundred (200) feet above ground level at its site.

(2) Any construction or alteration of greater height than an imaginary surface extending outward and upward at one (1) of the following slopes:

(A) One hundred (100) to one (1) for a horizontal distance of twenty thousand (20,000) feet from the nearest point of the nearest runway of any public-use airport with at least one (1) runway more than three thousand two hundred (3,200) feet in actual length, excluding heliports.

(B) Fifty (50) to one (1) for a horizontal distance of ten thousand (10,000) feet from the nearest point of the nearest runway of any public-use airport with its longest runway no more than three thousand two hundred (3,200) feet in actual length, excluding heliports.

(C) Twenty-five (25) to one (1) for a horizontal distance of five thousand (5,000) feet from the nearest point of the nearest landing and takeoff area of any public-use heliport.

(3) Any construction or alteration of traverse ways used, or to be used, for the passage of mobile objects if the standards set forth under subdivisions (1) and (2) would be exceeded, but only after the heights of these traverse ways are increased by:

(A) Seventeen (17) feet for an interstate highway where overcrossings are designed for a minimum of seventeen (17) feet vertical distance.

(B) Fifteen (15) feet for any other public roadway.

(C) Ten (10) feet or the height of the highest mobile object that would normally traverse the road, whichever is greater, for a private road.

(D) Twenty-three (23) feet for a railroad.

(E) For a waterway or any other traversed way not previously mentioned, an amount equal to the height of the highest mobile object that would normally traverse it.

(b) Unless:

(1) a permit for construction in a noise sensitive area has been approved by the department;

(2) the holder of a permit for construction in a noise sensitive area has filed a copy of the permit for construction in a noise sensitive area with the county recorder of the county in which the structure is located, as provided in subsection (d); and

(3) a certified copy of the recorded permit for construction in a noise sensitive area, with the recording data from the county

recorder on the copy of the permit, has been received by the department;

a person may not erect a building used for a noise sensitive purpose within an area lying one thousand five hundred (1,500) feet on either side of the centerline and the extended centerline of a runway for a distance of one (1) nautical mile from the boundaries of any public use airport.

(c) A person applying for a permit under subsection (a) must provide notice, at the time of the filing of the application for a permit, to the owner of a public use airport located within a five (5) nautical mile radius surrounding the structure, regardless of county lines, if the structure that is the subject of the permit is:

(1) a new structure; or

(2) an existing structure to which additional height is added.

(d) A person applying for a permit for construction in a noise sensitive area under subsection (b) must provide notice, at the time of the filing of the application for a permit, to the owner of a public use airport if the public use airport is located within a distance of one (1) nautical mile from the boundary of the property that contains the building used for a noise sensitive purpose.

(e) Notice under subsections (c) and (d) must be sent by certified or registered mail, with return receipt requested, and must include the:

(1) name, telephone number, and a contact person for the:

(A) applicant;

(B) department; and

(C) plan commission that has jurisdiction over the site of the structure;

(2) location of the structure, including a legal description;

(3) height of the structure; and

(4) Federal Aviation Administration aeronautical study number assigned to the application, if applicable to the type of permit for which notice is required.

(f) The applicant for a permit under subsection (b) shall record each permit issued by the department in the office of the county recorder for the county where the structure is located, not later than five (5) business days after the department issues the permit. If a structure is located in more than one (1) county, the county that contains the

majority of the structure is the county in which the permit must be filed.

(g) A permit issued under subsection (b) is valid only after the department receives a certified copy of the recorded permit with the recording data from the county recorder of the county in which the structure is located.

(h) A permit issued under subsection (b) must contain the following statement:

> "The permittee acknowledges for itself, its heirs, its successors, and its assigns, that the real estate described in this permit experiences or may experience significant levels of aircraft operations, and that the permittee is erecting a building designed for noise sensitive use upon the real estate, with the full knowledge and acceptance of the aircraft operations as well as any effects resulting from the aircraft operations.".

(i) An applicant for a permit under subsection (a) must provide written evidence to the department that the structure being constructed does not violate section 7 of this chapter with regard to an existing public use airport, if a public use airport is located within a five (5) nautical mile radius surrounding the structure that is the subject of the permit.

(j) ~~Unless a denial of permit is issued by the department,~~ **If:**

(1) the applicant for a permit under subsection (a) submits with the application a Determination of No Hazard to Air Navigation ~~from~~ **issued by** the Federal Aviation Administration **to the applicant with regard to the proposed construction or alteration; and**

(2) the department does not deny the permit;

the Determination of No Hazard to Air Navigation is a permit under this section, and a separate permit will not be issued by the department.

(k) The department shall not issue a permit under subsection (a) for construction or alteration of an energy facility that will result in a structure that is more than two hundred (200) feet above ground level at its site unless the applicant for the permit submits to the department documentation from the Military Aviation and Installation Assurance Siting Clearinghouse indicating:

(1) that a formal review of the construction or alteration under 32 CFR 211.6 resulted in a determination that the

construction or alteration will not have an adverse impact on military operations and readiness; or

(2) that:

(A) a formal review of the construction or alteration under 32 CFR 211.6 resulted in a determination that the proposed project will have an adverse impact on military operations and readiness; and

(B) the applicant has:

(i) resolved any identified adverse impact to the satisfaction of the United States Department of Defense; or

(ii) entered into a mitigation agreement with the United States Department of Defense to mitigate the adverse impact.

SECTION 3. IC 36-7-4-1603, AS ADDED BY P.L.126-2011, SECTION 50, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1603. (a) The following have standing to obtain judicial review of a zoning decision:

(1) A person to whom the zoning decision is specifically directed.

(2) A person aggrieved by the zoning decision who participated in the board hearing that led to the decision, either:

(A) by appearing at the hearing in person, by agent, or by attorney and presenting relevant evidence; or

(B) by filing with the board a written statement setting forth any facts or opinions relating to the decision.

(3) A person that is a public use airport owner or operator has standing to obtain judicial review of a zoning decision that may have a negative impact on the safety of civilian or military flight operations to or from the airport.

~~(3)~~ **(4)** A person otherwise aggrieved or adversely affected by the zoning decision.

(b) A person has standing under subsection ~~(a)(3)~~ **(a)(4)** only if:

(1) the zoning decision has prejudiced or is likely to prejudice the interests of the person;

(2) the person was eligible for an initial notice of a hearing under this chapter, was not notified of the hearing in substantial compliance with this chapter, and did not have actual notice of the

hearing before the last date in the hearing that the person could object or otherwise intervene to contest the zoning decision;

(3) the person's asserted interests are among those that the board was required to consider when it made the challenged zoning decision; 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 zoning decision.

SECTION 4. IC 36-7-4-1606, AS ADDED BY P.L.126-2011, SECTION 53, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1606. (a) Venue is in the judicial district where the land affected by the zoning decision is located.

(b) If more than one (1) person may be aggrieved by the zoning decision, 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:

(1) was a petitioner or applicant at the hearing before the board; or

(2) is aggrieved by the zoning decision and entered a written appearance as an adverse party to the petitioner or applicant before the board hearing that led to the zoning decision, as described in section 920(h) of this chapter;

is a party to the petition for review.

(e) Any other person who participated, in the manner described in section 1603(a)(2) of this chapter, in the board hearing that led to the zoning decision may, not later than five (5) days after the decision is made, file with the board a written request that the person receive notice of any petition for review that may be filed. The written request must include the person's full name and correct mailing address and a reference to the board's docket number relative to the zoning decision.

(f) Any person who has standing under section 1603(a)(2), ~~or~~ 1603(a)(3), **or 1603(a)(4)** of this chapter has an unconditional right to intervene in a proceeding for review. A motion to intervene in a

proceeding for review shall be filed in the manner provided by the rules of procedure governing civil actions in courts.

SECTION 5. **An emergency is declared for this act.**

P.L.72-2020
[S.258. Approved March 18, 2020.]

AN ACT to amend the Indiana Code concerning labor and safety.

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

SECTION 1. IC 27-7-2-4.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 4.5. The bureau may recommend a premium or rate discount for a municipal corporation purchasing or procuring worker's compensation insurance under IC 22-3-2-2(c) or a volunteer fire department purchasing worker's compensation insurance under IC 36-8-12-10 that has implemented the best practices established under IC 36-8-10.5-11.**

SECTION 2. IC 36-8-10.5-11 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 11. (a) The education board must establish best practices to improve safety and health outcomes for full-time firefighters and volunteer firefighters not later than July 1, 2021.**

(b) The best practices must include:

(1) a proactive health and safety risk management system consisting of a joint employer and employee governance structure to oversee a continuous process of identification, evaluation, monitoring and controlling, and reporting of safety and health hazards in the workplace;

(2) ways to reduce firefighter risk of exposure to carcinogens; and

(3) ways to prevent or reduce the risk of injuries and illness with particular focus on causes of compensable worker's compensation or disability claims.

(c) The education board shall:

(1) review programs established by political subdivisions and volunteer fire departments implementing best practices under this section; and

(2) provide a political subdivision or volunteer fire department with a letter for submission to an insurance company for consideration in a premium or rate discount toward the purchase or procurement of worker's compensation insurance under IC 22-3-2-2 that states that the political subdivision or volunteer fire department has implemented best practices under this section.

SECTION 3. IC 36-8-10.5-12 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 12. (a) The best practices fund is established for the purpose of providing matching grants to political subdivisions and volunteer fire departments to purchase equipment and other gear to implement best practices established under section 11 of this chapter.**

(b) The fund shall be administered by the education board.

(c) The fund consists of:

(1) appropriations from the general assembly; and

(2) amounts deposited from any other public or private source.

(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 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 the state fiscal year does not revert to the state general fund.

(g) The education board shall adopt rules under IC 4-22-2 to implement this section.

P.L.73-2020
[S.267. Approved March 18, 2020.]

AN ACT to amend the Indiana Code concerning human services.

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

SECTION 1. IC 5-20-1-4, AS AMENDED BY P.L.156-2017, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 4. (a) The authority has all of the powers necessary or convenient to carry out and effectuate the purposes and provisions of this chapter, including the power:

(1) to make or participate in the making of construction loans for multiple family residential housing under terms that are approved by the authority;

(2) to make or participate in the making of mortgage loans for multiple family residential housing under terms that are approved by the authority;

(3) to purchase or participate in the purchase from mortgage lenders of mortgage loans made to persons of low and moderate income for residential housing;

(4) to make loans to mortgage lenders for the purpose of furnishing funds to such mortgage lenders to be used for making mortgage loans for persons and families of low and moderate income. However, the obligation to repay loans to mortgage lenders shall be general obligations of the respective mortgage lenders and shall bear such date or dates, shall mature at such time or times, shall be evidenced by such note, bond, or other certificate of indebtedness, shall be subject to prepayment, and shall contain such other provisions consistent with the purposes of this chapter as the authority shall by rule or resolution determine;

(5) to collect and pay reasonable fees and charges in connection with making, purchasing, and servicing of its loans, notes, bonds, commitments, and other evidences of indebtedness;

(6) to acquire real property, or any interest in real property, by conveyance, including purchase in lieu of foreclosure, or foreclosure, to own, manage, operate, hold, clear, improve, and rehabilitate such real property and sell, assign, exchange, transfer, convey, lease, mortgage, or otherwise dispose of or encumber such real property where such use of real property is necessary or appropriate to the purposes of the authority;

(7) to sell, at public or private sale, all or any part of any mortgage or other instrument or document securing a construction loan, a land development loan, a mortgage loan, or a loan of any type permitted by this chapter;

(8) to procure insurance against any loss in connection with its operations in such amounts and from such insurers as it may deem necessary or desirable;

(9) to consent, subject to the provisions of any contract with noteholders or bondholders which may then exist, whenever it deems it necessary or desirable in the fulfillment of its purposes to the modification of the rate of interest, time of payment of any installment of principal or interest, or any other terms of any mortgage loan, mortgage loan commitment, construction loan, loan to lender, or contract or agreement of any kind to which the authority is a party;

(10) to enter into agreements or other transactions with any federal, state, or local governmental agency for the purpose of providing adequate living quarters for such persons and families in cities and counties where a need has been found for such housing;

(11) to include in any borrowing such amounts as may be deemed necessary by the authority to pay financing charges, interest on the obligations (for a period not exceeding the period of construction and a reasonable time thereafter or if the housing is completed, two (2) years from the date of issue of the obligations), consultant, advisory, and legal fees and such other expenses as are necessary or incident to such borrowing;

(12) to make and publish rules respecting its lending programs and such other rules as are necessary to effectuate the purposes of this chapter;
(13) to provide technical and advisory services to sponsors, builders, and developers of residential housing and to residents and potential residents, including housing selection and purchase procedures, family budgeting, property use and maintenance, household management, and utilization of community resources;
(14) to promote research and development in scientific methods of constructing low cost residential housing of high durability;
(15) to encourage community organizations to participate in residential housing development;
(16) to make, execute, and effectuate any and all agreements or other documents with any governmental agency or any person, corporation, association, partnership, limited liability company, or other organization or entity necessary or convenient to accomplish the purposes of this chapter;
(17) to accept gifts, devises, bequests, grants, loans, appropriations, revenue sharing, other financing and assistance and any other aid from any source whatsoever and to agree to, and to comply with, conditions attached thereto;
(18) to sue and be sued in its own name, plead and be impleaded;
(19) to maintain an office in the city of Indianapolis and at such other place or places as it may determine;
(20) to adopt an official seal and alter the same at pleasure;
(21) to adopt and from time to time amend and repeal bylaws for the regulation of its affairs and the conduct of its business and to prescribe rules and policies in connection with the performance of its functions and duties;
(22) to employ fiscal consultants, engineers, attorneys, real estate counselors, appraisers, and such other consultants and employees as may be required in the judgment of the authority and to fix and pay their compensation from funds available to the authority therefor;
(23) notwithstanding IC 5-13, but subject to the requirements of any trust agreement entered into by the authority, to 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;

(24) to make or participate in the making of construction loans, mortgage loans, or both, to individuals, partnerships, limited liability companies, corporations, and organizations for the construction of residential facilities for individuals with a developmental disability or for individuals with a mental illness or for the acquisition or renovation, or both, of a facility to make it suitable for use as a new residential facility for individuals with a developmental disability or for individuals with a mental illness;

(25) to make or participate in the making of construction and mortgage loans to individuals, partnerships, corporations, limited liability companies, and organizations for the construction, rehabilitation, or acquisition of residential facilities for children;

(26) to purchase or participate in the purchase of mortgage loans from:

(A) public utilities (as defined in IC 8-1-2-1); or

(B) municipally owned gas utility systems organized under IC 8-1.5;

if those mortgage loans were made for the purpose of insulating and otherwise weatherizing single family residences in order to conserve energy used to heat and cool those residences;

(27) to provide financial assistance to mutual housing associations (IC 5-20-3) in the form of grants, loans, or a combination of grants and loans for the development of housing for low and moderate income families;

(28) to service mortgage loans made or acquired by the authority and to impose and collect reasonable fees and charges in connection with such servicing;

(29) subject to the authority's investment policy, to enter into swap agreements (as defined in IC 8-9.5-9-4) in accordance with IC 8-9.5-9-5 and IC 8-9.5-9-7;

(30) to promote and foster community revitalization through community services and real estate development;

(31) to coordinate and establish linkages between governmental and other social services programs to ensure the effective delivery of services to low income individuals and families, including individuals or families facing or experiencing homelessness;

(32) to cooperate with local housing officials and plan commissions in the development of projects that the officials or commissions have under consideration;

(33) to prescribe, in accordance with IC 32-30-10.5-10(i), a list of documents that must be included under IC 32-30-10.5 as part of a debtor's loss mitigation package in a foreclosure action filed after June 30, 2011;

(34) to take actions necessary to implement its powers that the authority determines to be appropriate and necessary to ensure the availability of state or federal financial assistance; and

(35) to administer any program or money designated by the state or available from the federal government or other sources that is consistent with the authority's powers and duties.

The omission of a power from the list in this subsection does not imply that the authority lacks that power. The authority may exercise any power that is not listed in this subsection but is consistent with the powers listed in this subsection to the extent that the power is not expressly denied by the Constitution of the State of Indiana or by another statute.

(b) The authority shall ensure that a mortgage loan acquired by the authority under subsection (a)(3) or made by a mortgage lender with funds provided by the authority under subsection (a)(4) is not knowingly made to a person whose adjusted family income, as determined by the authority, exceeds one hundred twenty-five percent (125%) of the median income for the geographic area involved. However, if the authority determines that additional encouragement is needed for the development of the geographic area involved, a mortgage loan acquired or made under subsection (a)(3) or (a)(4) may be made to a person whose adjusted family income, as determined by the authority, does not exceed one hundred forty percent (140%) of the median income for the geographic area involved. The authority shall establish procedures that the authority determines are appropriate to structure and administer any program conducted under subsection (a)(3) or (a)(4) for the purpose of acquiring or making mortgage loans

to persons of low or moderate income. In determining what constitutes low income, moderate income, or median income for purposes of any program conducted under subsection (a)(3) or (a)(4), the authority shall consider:

(1) the appropriate geographic area in which to measure income levels; and

(2) the appropriate method of calculating low income, moderate income, or median income levels including:

(A) sources of;

(B) exclusions from; and

(C) adjustments to;

income.

(c) The authority, when directed by the governor, shall administer programs and funds under 42 U.S.C. 1437 et seq.

(d) The authority shall identify, promote, assist, and fund:

(1) home ownership education programs; and

(2) mortgage foreclosure counseling and education programs under IC 5-20-6;

conducted throughout Indiana by nonprofit counseling agencies that the authority has certified, or by any other public, private, or nonprofit entity in partnership with a nonprofit agency that the authority has certified, using funds appropriated under section 27 of this chapter. The attorney general and the entities listed in IC 4-6-12-4(a)(1) through IC 4-6-12-4(a)(10) shall cooperate with the authority in implementing this subsection.

(e) The authority shall:

(1) oversee and encourage a regional homeless delivery system that:

(A) considers the need for housing and support services;

(B) implements strategies to respond to gaps in the delivery system; and

(C) ensures individuals and families are matched with optimal housing solutions;

(2) facilitate the dissemination of information to assist individuals and families accessing local resources, programs, and services related to homelessness, housing, and community development; and

(3) each year, estimate and reasonably determine the number of the following:

(A) Individuals in Indiana who are homeless.

(B) Individuals in Indiana who are homeless and less than eighteen (18) years of age.

(C) Individuals in Indiana who are homeless and not residents of Indiana.

~~(f) The authority has all of the powers necessary or convenient to carry out and effectuate the purposes and provisions of IC 8-1-19.5 (concerning the administration of the 211 dialing code used to provide access to human services information and referrals), including the power to make and publish rules, in the manner set forth in IC 8-1-19.5-13(b), necessary to effectuate the purposes of IC 8-1-19.5.~~

SECTION 2. IC 8-1-2.6-13, AS AMENDED BY P.L.156-2017, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 13. (a) As used in this section, "communications service" has the meaning set forth in IC 8-1-32.5-3.

(b) As used in this section, "communications service provider" means a person or an entity that offers communications service to customers in Indiana, without regard to the technology or medium used by the person or entity to provide the communications service. The term includes a provider of commercial mobile service (as defined in 47 U.S.C. 332).

(c) Notwithstanding sections 1.2, 1.4, and 1.5 of this chapter, the commission may do the following, except as otherwise provided in this subsection:

(1) Enforce the terms of a settlement agreement approved by the commission before July 29, 2004. The commission's authority under this subdivision continues for the duration of the settlement agreement.

(2) Fulfill the commission's duties under IC 8-1-2.8 concerning the provision of dual party relay services to deaf, hard of hearing, and speech impaired persons in Indiana.

~~(3) Before July 1, 2017, fulfill the commission's duties under IC 8-1-19.5 concerning the administration of the 211 dialing code for communications service used to provide access to human services information and referrals.~~

~~(4)~~ **(3)** Fulfill the commission's responsibilities under IC 8-1-29 to adopt and enforce rules to ensure that a customer of a telecommunications provider is not:

(A) switched to another telecommunications provider unless the customer authorizes the switch; or

(B) billed for services by a telecommunications provider that without the customer's authorization added the services to the customer's service order.

~~(5)~~ **(4)** Fulfill the commission's obligations under:

(A) the federal Telecommunications Act of 1996 (47 U.S.C. 151 et seq.); and

(B) IC 20-20-16;

concerning universal service and access to telecommunications service and equipment, including the designation of eligible telecommunications carriers under 47 U.S.C. 214.

~~(6)~~ **(5)** Perform any of the functions described in section 1.5(b) of this chapter.

~~(7)~~ **(6)** Perform the commission's responsibilities under IC 8-1-32.5 to:

(A) issue; and

(B) maintain records of;

certificates of territorial authority for communications service providers offering communications service to customers in Indiana.

~~(8)~~ **(7)** Perform the commission's responsibilities under IC 8-1-34 concerning the issuance of certificates of franchise authority to multichannel video programming distributors offering video service to Indiana customers.

~~(9)~~ **(8)** Require a communications service provider, other than a provider of commercial mobile service (as defined in 47 U.S.C. 332), to report to the commission on an annual basis, or more frequently at the option of the provider, and subject to section 4(e) of this chapter, any information needed by the commission to prepare the commission's report to the interim study committee on energy, utilities, and telecommunications under section 4 of this chapter.

~~(10)~~ **(9)** Perform the commission's duties under IC 8-1-32.4 with respect to telecommunications providers of last resort, to the

extent of the authority delegated to the commission under federal law to perform those duties.

~~(11)~~ **(10)** Collect and maintain from a communications service provider the following information:

(A) The address of the provider's Internet web site.

(B) All toll free telephone numbers and other customer service telephone numbers maintained by the provider for receiving customer inquiries and complaints.

(C) An address and other contact information for the provider, including any telephone number not described in clause (B).

The commission shall make any information submitted by a provider under this subdivision available on the commission's Internet web site. The commission may also make available on the commission's Internet web site contact information for the Federal Communications Commission and the Cellular Telephone Industry Association.

~~(12)~~ **(11)** Fulfill the commission's duties under any state or federal law concerning the administration of any universally applicable dialing code for any communications service.

(d) The commission does not have jurisdiction over any of the following with respect to a communications service provider:

(1) Rates and charges for communications service provided by the communications service provider, including the filing of schedules or tariffs setting forth the provider's rates and charges.

(2) Depreciation schedules for any of the classes of property owned by the communications service provider.

(3) Quality of service provided by the communications service provider.

(4) Long term financing arrangements or other obligations of the communications service provider.

(5) Except as provided in subsection (c), any other aspect regulated by the commission under this title before July 1, 2009.

(e) The commission has jurisdiction over a communications service provider only to the extent that jurisdiction is:

(1) expressly granted by state or federal law, including:

(A) a state or federal statute;

(B) a lawful order or regulation of the Federal Communications Commission; or

(C) an order or a ruling of a state or federal court having jurisdiction; or

(2) necessary to administer a federal law for which regulatory responsibility has been delegated to the commission by federal law.

SECTION 3. IC 8-1-17.5-25, AS AMENDED BY P.L.156-2017, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 25. Notwithstanding any other law, the commission may exercise jurisdiction over a surviving corporation or successor corporation formed under this chapter only to do the following:

(1) Ensure compliance with IC 8-1-2.8 concerning the provision of dual party relay services to deaf, hard of hearing, and speech impaired persons in Indiana.

~~(2) Before July 1, 2017, perform the commission's duties under IC 8-1-19.5 concerning the administration of the 211 dialing code for communications service used to provide access to human services information and referrals.~~

~~(3)~~ **(2)** Enforce rules adopted under IC 8-1-29 to ensure that a customer of a telecommunications provider is not:

(A) switched to another telecommunications provider unless the customer authorizes the switch; or

(B) billed for services by a telecommunications provider that without the customer's authorization added the services to the customer's service order.

~~(4)~~ **(3)** Conduct proceedings under:

(A) the federal Telecommunications Act of 1996 (47 U.S.C. 151 et seq.); and

(B) IC 20-20-16;

concerning universal service and access to telecommunications service and equipment, including the designation of eligible telecommunications carriers under 47 U.S.C. 214.

~~(5)~~ **(4)** Perform the commission's duties under IC 8-1-2.6-1.5 or IC 8-1-2-5.

~~(6)~~ **(5)** Issue or maintain certificates of territorial authority for communications service providers under IC 8-1-32.5.

~~(7)~~ **(6)** Perform the commission's duties under IC 8-1-34 to issue and maintain certificates of franchise authority to multichannel

video programming distributors offering video service to Indiana customers.

~~(8)~~ **(7)** Perform the commission's duties under ~~IC 8-1-2.6-13(c)(9)~~ **IC 8-1-2.6-13(c)(8)** concerning the reporting of information by communications service providers.

~~(9)~~ **(8)** Fulfill the commission's duties under any state or federal law concerning the administration of any universally applicable dialing code for any communications service.

~~(10)~~ **(9)** Perform the commission's duties under IC 8-1-2.3 with respect to assigned service areas for electricity suppliers.

~~(11)~~ **(10)** Issue:

(A) certificates of public convenience and necessity, certificates of territorial authority, and indeterminate permits under IC 8-1-2;

(B) certificates of public convenience and necessity under IC 8-1-8.5; or

(C) certificates of public convenience and necessity under IC 8-1-8.7.

~~(12)~~ **(11)** Determine territorial disputes between water utilities under IC 8-1.5-6.

SECTION 4. IC 8-1-19.5 IS REPEALED [EFFECTIVE JULY 1, 2020]. (Telephone 211 Dialing Code Services for Accessing Human Services Information).

SECTION 5. IC 8-1-32.5-6, AS AMENDED BY P.L.53-2014, SECTION 80, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 6. (a) Except as provided in subsection (c), before a communications service provider may offer communications service to customers in Indiana, the communications service provider must apply to the commission for a certificate of territorial authority. A communications service provider that seeks a certificate under this chapter shall submit an application on a form prescribed by the commission. Subject to subsection (e), the form prescribed by the commission must require the communications service provider to report the following information:

(1) The provider's legal name and any name under which the provider does or will do business in Indiana, as authorized by the secretary of state.

(2) The provider's address and telephone number, along with contact information for the person responsible for ongoing communications with the commission.

(3) The legal name, address, and telephone number of the provider's parent company, if any.

(4) A description of each service area in Indiana in which the provider proposes to offer communications service.

(5) For each service area identified under subdivision (4), a description of each type of communications service that the provider proposes to offer in the service area.

(6) For each communications service identified under subdivision (5), whether the communications service will be offered to residential customers or business customers, or both.

(7) The expected date of deployment for each communications service identified under subdivision (5) in each service area identified in subdivision (4).

(8) A list of other states in which the provider offers communications service, including the type of communications service offered.

(9) Any other information the commission considers necessary to:

(A) monitor the type and availability of communications service provided to Indiana customers; and

(B) prepare, under IC 8-1-2.6-4, the commission's annual report to the interim study committee on energy, utilities, and telecommunications established by IC 2-5-1.3-4 in an electronic format under IC 5-14-6.

The commission may charge a fee for filing an application under this section. Any fee charged by the commission under this subsection may not exceed the commission's actual costs to process and review the application under section 8 of this chapter.

(b) A communications service provider shall also submit, along with the application required by subsection (a), the following documents:

(1) A certification from the secretary of state authorizing the provider to do business in Indiana.

(2) Information demonstrating the provider's financial, managerial, and technical ability to provide each communications service identified in the provider's application under subsection (a)(5) in each service area identified under subsection (a)(4).

(3) A statement, signed under penalty of perjury by an officer or another person authorized to bind the provider, that affirms the following:

(A) That the provider has filed or will timely file with the Federal Communications Commission all forms required by the Federal Communications Commission before offering communications service in Indiana.

(B) That the provider agrees to comply with any customer notification requirements imposed by the commission under section 11(b) of this chapter.

(C) That the provider agrees to update the information provided in the application submitted under subsection (a) on a regular basis, as may be required by the commission under section 12 of this chapter.

(D) That the provider agrees to notify the commission when the provider commences offering communications service in each service area identified in the provider's application under subsection (a)(4).

(E) That the provider agrees to pay any lawful rate or charge for switched and special access services, as required under any:

(i) applicable interconnection agreement; or

(ii) lawful tariff or order approved or issued by a regulatory body having jurisdiction.

(F) That the provider agrees to report, at the times required by the commission, any information required by the commission under ~~IC 8-1-2.6-13(c)(9).~~ **IC 8-1-2.6-13(c)(8).**

(c) If:

(1) a communications service provider has been issued a:

(A) certificate of territorial authority; or

(B) certificate of public convenience and necessity;

by the commission before July 1, 2009; and

(2) the certificate described in subdivision (1) is in effect on July 1, 2009;

the communications service provider is not required to submit an application under this section for as long as the certificate described in subdivision (1) remains in effect. For purposes of this subsection, if a corporation organized under IC 8-1-13 (or a corporation organized

under IC 23-17-1 that is an electric cooperative and that has at least one (1) member that is a corporation organized under IC 8-1-13) holds a certificate of public convenience and necessity issued by the commission before, on, or after July 1, 2009, that certificate may serve as the certificate required under this chapter with respect to any communications service offered by the corporation, subject to the commission's right to require the corporation to provide any information that an applicant is otherwise required to submit under subsection (a) or that a holder is required to report under ~~IC 8-1-2.6-13(c)(9).~~ **IC 8-1-2.6-13(c)(8).**

(d) This section does not empower the commission to require an applicant for a certificate under this chapter to disclose confidential and proprietary business plans and other confidential information without adequate protection of the information. The commission shall exercise all necessary caution to avoid disclosure of confidential information supplied under this section.

(e) The form prescribed for a communications service provider that offers only a service described in IC 8-1-2.6-1.1 must require the communications service provider to report and certify the accuracy of only the information required under subsection (a)(1) and (a)(2).

SECTION 6. IC 12-8-1.5-19 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 19. The office of the secretary has all the powers necessary or convenient to carry out and effectuate the purposes and provisions of IC 12-13-16 (concerning the administration of the 211 dialing code used to provide access to human services information and referrals), including the power to make and publish rules, in the manner set forth in IC 12-13-16-13.**

SECTION 7. IC 12-13-16 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]:

Chapter 16. Telephone 211 Dialing Code Services for Accessing Human Services Information

Sec. 1. As used in this chapter, "211" means the abbreviated dialing code designated by the Federal Communications Commission for telephone service providing access to human services information and referrals.

Sec. 2. As used in this chapter, "211 services" means information and referral services provided through the use of 211 and intended to promote and provide access to human services.

Sec. 3. As used in this chapter, "advisory committee" refers to the 211 advisory committee established by section 9 of this chapter.

Sec. 4. As used in this chapter, "fund" refers to the 211 services fund established by section 8 of this chapter.

Sec. 5. As used in this chapter, "human services" means services provided by government or nonprofit organizations to ensure the health and well-being of Indiana citizens. The term includes, but is not limited to, services designed to do any of the following:

(1) Provide relief or assistance after a natural or nonnatural disaster.

(2) Assist parents with stress issues.

(3) Assist persons in efforts to address and reduce instances of emotional and physical abuse, including domestic violence and sexual assault.

(4) Assist persons in efforts to reduce the rate of infant mortality.

(5) Direct persons to services providing assistance to veterans, senior citizens, and vulnerable children.

(6) Assist persons with respect to public health issues, including:

(A) health epidemics;

(B) mental, physical, and behavioral health services, including services for drug addiction and abuse;

(C) prescription assistance services; and

(D) medical transportation options.

(7) Provide information on food programs and available nutrition education.

(8) Provide information on programs that assist with safe and affordable housing, including assistance with utility services.

(9) Assist persons in identifying occupational and vocational training and programs.

(10) Provide information on reentry programs for persons leaving correctional facilities, alcohol and drug treatment facilities, or mental health facilities.

Sec. 6. As used in this chapter, "person" means an individual, a firm, a partnership, a corporation, or a limited liability company.

Sec. 7. It is the policy of the state that 211 services should, in an orderly and efficient manner:

(1) provide access to human services; and

(2) collect needed information about human services and the delivery of human services in Indiana.

Sec. 8. (a) The 211 services fund is established to make 211 services available throughout Indiana. The fund shall be administered by the office of the secretary.

(b) The fund consists of the following:

(1) All money appropriated to the fund by the general assembly.

(2) Funds received from the federal government for the support of 211 services in Indiana.

(3) Investment earnings, including interest, on money in the fund.

(4) Money from any other source, including gifts and grants.

(c) The office of the secretary, after consulting with the committee, shall annually prepare a plan for the expenditure of the money in the fund. The plan must include a strategy or plan to provide information concerning, and referrals for, human services in accordance with section 7 of this chapter.

(d) Money in the fund may be spent for the following purposes:

(1) The creation of a structure for a statewide 211 resources data base.

(2) The development and implementation of a statewide 211 resources data base described in subdivision (1). Permissible expenditures under this subdivision include expenditures for planning, training, accreditation, and system evaluation.

(3) Collecting, organizing, and maintaining information from state agencies, departments, and programs that provide human services, for access by a provider of 211 services.

(4) Providing grants for any of the following purposes to a provider of 211 services:

(A) The design, development, and implementation of 211 services in the provider's 211 service area. Funds provided

under this clause may be used for planning, public awareness, training, accreditation, and evaluation.

(B) The provision of 211 services on an ongoing basis after the design, development, and implementation of 211 services in the provider's service area.

(C) The provision of 211 services on a twenty-four (24) hour per day, seven (7) day per week basis.

(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 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 fund at the end of a state fiscal year does not revert to the state general fund.

Sec. 9. (a) The 211 advisory committee is established. The advisory committee includes the following members appointed by the governor or the governor's designee:

(1) Two (2) members, each of whom represents a different Indiana United Way entity.

(2) Two (2) members who have experience working for or with Indiana 211 Partnership, Inc., or the Indiana 211 board of directors.

(3) Two (2) members, each of whom represents a different local service agency that receives referrals from 211.

(4) Seven (7) members representing the types of human services provided under this chapter.

(b) The initial members of the advisory committee serve the following terms:

(1) Three (3) members serve a term of one (1) year.

(2) Five (5) members serve a term of two (2) years.

(3) Five (5) members serve a term of four (4) years.

Members appointed to the advisory committee thereafter serve terms of four (4) years.

(c) The governor or the governor's designee shall appoint the chairperson of the advisory committee.

(d) The advisory committee shall do the following:

(1) Provide input and consultation regarding implementation and administration of 211 services by the office of the

secretary to ensure compliance with any requirements or obligations under this chapter.

(2) Advise the office of the secretary and make recommendations concerning the use of and goals for 211 services.

(e) The office of the secretary shall staff the advisory committee. The expenses of the advisory committee shall be paid by the office of the secretary.

(f) Each member of the advisory committee 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.

(g) Each member of the advisory committee 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.

Sec. 10. Beginning July 1, 2021, the office of the secretary shall:

(1) compile data regarding 211 services, including:

(A) community needs, including utility, housing, and food assistance;

(B) the number of referrals to community resources;

(C) the number of individuals seeking assistance in each county; and

(D) all community resource providers; and

(2) enter into data sharing agreements with entities approved by the office of the secretary that allow the approved entities to access data compiled under this section in a manner that is consistent with state and federal privacy laws.

Sec. 11. The office of the secretary shall obtain and maintain accreditation for 211 operations in accordance with the standards of the Alliance of Information and Referral Systems or an

equivalent national accreditation organization for information and referral services.

Sec. 12. (a) The office of the secretary shall submit to the general assembly an annual report regarding 211 operations. The report must include information regarding all services provided through 211 and a description of changes in the information as compared to the year preceding the year for which the report is issued.

(b) The office of the secretary shall submit the report under subsection (a):

(1) not later than June 1 of each year; and

(2) in an electronic format under IC 5-14-6.

Sec. 13. (a) The office of the secretary may adopt rules under IC 4-22-2 necessary to implement this chapter.

(b) The office of the secretary may adopt emergency rules under IC 4-22-2-37.1 to implement this chapter on an emergency basis.

(c) An emergency rule or an amendment to an emergency rule adopted under this section expires not later than one (1) year after the rule is accepted for filing under IC 4-22-2-37.1(e).

SECTION 8. IC 16-25-4.5-4, AS ADDED BY P.L.213-2016, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 4. (a) The state department shall develop a perinatal hospice brochure and post the perinatal hospice brochure on the state department's Internet web site.

(b) The perinatal brochure developed under this section must include the following:

(1) A description of the health care and other services available from perinatal hospice.

(2) Information that medical assistance benefits may be available for prenatal care, childbirth, and perinatal hospice.

(3) Information regarding telephone 211 dialing code services for accessing grief counseling and other human services as described in ~~IC 8-1-19.5,~~ **IC 12-13-16,** and the types of services that are available through this service.

SECTION 9. IC 16-34-2-1.5, AS AMENDED BY P.L.205-2018, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1.5. (a) The state department shall develop an

informed consent brochure and post the informed consent brochure on the state department's Internet web site.

(b) The state department shall develop an informed consent brochure that includes the following:

(1) Objective scientific information concerning the probable anatomical and physiological characteristics of a fetus every two (2) weeks of gestational age, including the following:

(A) Realistic pictures in color for each age of the fetus, including the dimensions of the fetus.

(B) Whether there is any possibility of the fetus surviving outside the womb.

(2) Objective scientific information concerning the medical risks associated with each abortion procedure or the use of an abortion inducing drug, including the following:

(A) The risks of infection and hemorrhaging.

(B) The potential danger:

(i) to a subsequent pregnancy; or

(ii) of infertility.

(3) Information concerning the medical risks associated with carrying the child to term.

(4) Information that medical assistance benefits may be available for prenatal care, childbirth, and neonatal care.

(5) Information that the biological father is liable for assistance in support of the child, regardless of whether the biological father has offered to pay for an abortion.

(6) Information regarding telephone 211 dialing code services for accessing human services as described in ~~IC 8-1-19.5,~~ **IC 12-13-16,** and the types of services that are available through this service.

(7) Information concerning Indiana's safe haven law under IC 31-34-2.5-1.

(8) Information that, under certain conditions, a pregnant woman may relinquish a child who is, or who appears to be, not more than thirty (30) days of age:

(A) to an emergency medical services provider (as defined in IC 16-41-10-1); or

(B) in a newborn safety device (described in IC 31-34-2.5-1) at a participating fire department or other site that is staffed by an emergency medical services provider.

~~(c) In complying with subsection (b)(6), the state department shall consult with the recognized 211 service providers and the Indiana housing and community development authority as required by IC 8-1-19.5-9.~~

~~(d)~~ **(c)** In the development of the informed consent brochure described in this section, the state department shall use information and pictures that are available at no cost or nominal cost to the state department.

~~(e)~~ **(d)** The informed consent brochure must include the requirements specified in this chapter.

SECTION 10. IC 34-30-2-24.2, AS AMENDED BY P.L.86-2018, SECTION 240, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 24.2. (a) IC 8-1-2.8-25 (Concerning InTRAC or a local exchange company for the development, adoption, implementation, maintenance, or operation of dual party relay services or telecommunications devices).

(b) IC 8-1-17.5-16 (Concerning a member or director of a rural electric membership corporation or telephone cooperative corporation that is merged or consolidated).

~~(c) IC 8-1-19.5-10 (Concerning a recognized 211 service provider and its employees, directors, officers, and agents for injuries or loss to persons or property as a result of an act or omission in connection with developing and providing 211 services).~~

SECTION 11. [EFFECTIVE JULY 1, 2020] **(a) On July 1, 2020, the auditor of state shall transfer from the 211 services account established by IC 8-1-19.5-11, before its repeal by this act, the balance in the account on June 30, 2020, to the 211 services fund established by IC 12-13-16-8, as added by this act.**

(b) On July 1, 2020, all appropriations to the Indiana housing and community development authority concerning the 211 services program under IC 8-1-19.5-11, before its repeal, are transferred to the office of the secretary of family and social services for the 211 services program.

(c) This SECTION expires July 1, 2021.

P.L.74-2020
[S.272. Approved March 18, 2020.]

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

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

SECTION 1. IC 4-3-21.5-4, AS ADDED BY P.L.228-2019, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 4. The task force consists of the following members:

(1) The lieutenant governor or the lieutenant governor's designee.

(2) ~~The director of the Indiana office of defense development.~~ **The secretary of commerce or the secretary of commerce's designee.**

(3) The following members chosen by the military assets in their geographic areas:

(A) One (1) member representing the Southern Indiana Defense Network.

(B) One (1) member representing Radius Indiana.

(C) One (1) member representing greater Fort Wayne, Indiana.

(D) One (1) member representing the Defense Finance and Accounting Service, Lawrence, Indiana.

(E) One (1) member representing the Grissom Regional Defense Alliance.

(F) One (1) member representing the West Central Indiana Defense Network.

(G) One (1) member representing the Michigan City Coast Guard Station.

SECTION 2. IC 4-3-27-5, AS AMENDED BY P.L.143-2019, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 5. (a) The membership of the governor's

workforce cabinet established under section 3 of this chapter consists of at least twenty-three (23) members as follows:

(1) A chairperson appointed by the governor.

(2) The secretary of career connections and talent.

(3) The commissioner of the department of workforce development.

(4) ~~The president of the Indiana economic development corporation.~~ **The secretary of commerce or the secretary of commerce's designee.**

(5) The commissioner of the Indiana commission for higher education.

(6) The superintendent of public instruction.

(7) The president of Ivy Tech Community College.

(8) The president of Vincennes University.

(9) A member appointed by the governor who is an apprenticeship coordinator of a joint labor-management apprenticeship program approved by the United States Department of Labor, Employment and Training Administration, Office of Apprenticeship.

(10) A member representing high school career and technical education directors appointed by the governor in consultation with the Indiana Association of Career and Technical Education Districts.

(11) A member representing manufacturing appointed by the governor in consultation with the Indiana Manufacturers Association.

(12) A member representing a minority business enterprise appointed by the governor.

(13) A member representing a women's business enterprise appointed by the governor.

(14) A member representing a veteran owned business appointed by the governor.

(15) A member representing the nonunion and construction trades appointed by the governor in consultation with the Associated Builders and Contractors, Inc., and the Indiana Builders Association.

(16) A business owner appointed by the governor in consultation with the Indiana Chamber of Commerce.

(17) A small business owner appointed by the governor in consultation with the National Federation of Independent Businesses.

(18) A member of a community-based organization appointed by the governor.

(19) Three (3) at-large business owners appointed by the governor, one (1) of whom is a business owner who employs less than fifty (50) employees.

(20) A member of the house of representatives appointed by the speaker of the house of representatives who serves as a nonvoting member.

(21) A member of the senate appointed by the president pro tempore of the senate who serves as a nonvoting member.

(22) Any additional members designated and appointed by the governor.

(b) The members appointed under subsection (a)(11) through (a)(19) must be geographically diverse.

SECTION 3. IC 4-4-34 IS REPEALED [EFFECTIVE JULY 1, 2020]. (Indiana Office of Defense Development).

SECTION 4. IC 5-28-4-4, AS ADDED BY P.L.4-2005, SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 4. **(a) Except as provided by subsection (b),** the governor shall serve as chairperson of the board.

(b) If the governor is unable to participate as chairperson for a meeting of the board, the governor may designate a member of the board appointed under section 2(a)(2) of this chapter to serve as acting chairperson.

SECTION 5. IC 5-28-8-7, AS ADDED BY P.L.4-2005, SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 7. The auditor of state shall draw warrants on the treasurer of state in payment of properly prepared vouchers signed by the ~~president of the corporation or the president's designee.~~ **secretary of commerce or the secretary of commerce's designee.**

SECTION 6. IC 5-33-4-2, AS ADDED BY P.L.78-2019, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 2. The board is composed of the following seven (7) members, none of whom may be members of the general assembly:

(1) The governor or a designee of the governor.

(2) The ~~president of the Indiana economic development corporation~~ **secretary of commerce** or a designee of the ~~president~~ **secretary** who is a full-time employee of the Indiana economic development corporation.

(3) Five (5) members of the private sector tourism industry, appointed by the governor. The governor may consider individuals with experience in any of the following areas or occupations in making appointments under this subdivision:

(A) Food and beverage service.

(B) Lodging.

(C) Attractions.

(D) Destination marketing.

(E) Hospitality and tourism management educator.

(F) Tourism industry professional.

SECTION 7. IC 6-3.1-11-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 13. As used in this chapter, "taxpayer" means any person, corporation, limited liability company, partnership, or other entity that has any state tax liability and that is the owner or developer of an industrial recovery site. The term includes ~~a lessee~~ **an assignee** that is assigned some part of a credit under section 16(c) of this chapter.

SECTION 8. IC 6-3.1-11-16, AS AMENDED BY P.L.204-2016, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 16. (a) Subject to entering into an agreement with the corporation under section 19.5 of this chapter and subject to section 21 of this chapter, a taxpayer is entitled to a credit against the taxpayer's state tax liability for a taxable year if the taxpayer makes a qualified investment in that year.

(b) The amount of the credit to which a taxpayer is entitled is the qualified investment made by the taxpayer during the taxable year multiplied by the applicable percentage.

(c) ~~A taxpayer may assign any part of the credit to which the taxpayer is entitled under this chapter to a lessee of the industrial recovery site. A credit that is assigned under this subsection remains subject to this chapter.~~ **The taxpayer may assign any part of the credit that the taxpayer may claim under this chapter. A credit that is assigned under this subsection remains subject to this chapter.**

(d) ~~An assignment under subsection (c) must be in writing and both the taxpayer and the lessee must report the assignment on their state tax return for the year in which the assignment is made, in the manner prescribed by the department of state revenue. The taxpayer shall not receive value in connection with the assignment under subsection (c) that exceeds the value of the part of the credit assigned.~~ **If a taxpayer assigns a part of a credit during a taxable year, the assignee may not subsequently assign all or part of the credit to another taxpayer. A taxpayer may make only one (1) assignment of a credit. Before a credit may be assigned, the taxpayer must notify the corporation of the assignment of the credit in the manner prescribed by the corporation. An assignment of a credit must be in writing, and both the taxpayer and assignee shall report the assignment on the taxpayer's and the assignee's state tax returns for the year in which the assignment is made, in the manner prescribed by the department. A taxpayer may not receive value in connection with an assignment under this section that exceeds the value of the part of the credit assigned.**

SECTION 9. IC 6-3.1-13-13, AS AMENDED BY P.L.167-2014, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 13. (a) The corporation may make credit awards under this chapter for any of the following:

(1) To foster job creation in Indiana.

(2) To foster job retention in Indiana.

~~(3) For taxable years beginning after December 31, 2014, and before January 1, 2019, to foster employment in Indiana of students who participate in a course of study that includes a cooperative arrangement between an educational institution and an employer for the training of students in high wage, high demand jobs that require an industry certification.~~

(b) The credit shall be claimed for the taxable years specified in the taxpayer's tax credit agreement.

SECTION 10. IC 6-3.1-13-14, AS AMENDED BY P.L.145-2016, SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 14. (a) A person that proposes a project to create new jobs in Indiana may apply, as provided in section 15 of this chapter, to the corporation to enter into an agreement for a tax credit under this chapter.

(b) A person that proposes to retain existing jobs in Indiana may apply, as provided in section 15.5 of this chapter, to the corporation to enter into an agreement for a tax credit under this chapter.

~~(c) This subsection applies to taxable years beginning after December 31, 2014, and before January 1, 2019. A person that proposes to employ in Indiana students who have participated in a course of study that includes a cooperative arrangement between an educational institution and an employer for the training of students in high wage, high demand jobs that require an industry certification may apply, as provided in section 15.7 of this chapter, to the corporation to enter into a agreement for a tax credit under this chapter.~~

~~(d)~~ **(c)** The corporation shall prescribe the form of the application.

SECTION 11. IC 6-3.1-13-15.7 IS REPEALED [EFFECTIVE JULY 1, 2020]. ~~Sec. 15.7. (a) This section applies to an application proposing to employ students who have participated in a course of study that includes a cooperative arrangement between an educational institution and an employer for the training of students in high wage, high demand jobs that require an industry certification.~~

~~(b) A taxpayer who wishes to claim the credit provided by this chapter for employment of candidates to which this section applies may submit an application to the corporation after June 30, 2014, for a taxable year beginning after December 31, 2014, and before January 1, 2019, in the manner prescribed by the corporation.~~

~~(c) After receipt of an application, the corporation may enter into an agreement with the applicant for a tax credit under this chapter if the corporation determines that the applicant:~~

~~(1) participates in at least one (1) cooperative arrangement with an educational institution for the training of students in high wage, high demand jobs that require an industry certification; and~~

~~(2) meets any additional eligibility conditions established by the corporation.~~

~~(d) The corporation may consult with the Indiana career council to develop eligibility and performance conditions that an applicant must meet to qualify for a credit award to which this section applies.~~

~~(e) The aggregate amount of tax credits awarded under this section for a state fiscal year may not exceed two million five hundred thousand dollars ($2,500,000).~~

SECTION 12. IC 6-3.1-13-19.7 IS REPEALED [EFFECTIVE JULY 1, 2020]. ~~Sec. 19.7. (a) In the case of a credit awarded for employment in Indiana of students who have participated in a course of study that includes a cooperative arrangement between an educational institution and an employer for the training of students in high wage, high demand jobs that require an industry certification, the corporation shall enter into an agreement with an applicant that is awarded a credit under this chapter. The agreement must include all the following:~~

~~(1) A detailed description of the applicant's own cooperative arrangements between the applicant and educational institutions for the training of students in high wage, high demand jobs that require an industry certification.~~

~~(2) The duration of the tax credit and the first taxable year for which the credit may be claimed.~~

~~(3) The credit amount that will be allowed for each taxable year.~~

~~(4) A requirement that the taxpayer shall maintain the applicant's cooperative arrangements between the applicant and educational institutions for the training of students in high wage, high demand jobs that require an industry certification for at least two (2) years following the last taxable year in which the applicant claims the tax credit or carries over an unused part of the tax credit under section 18 of this chapter. A taxpayer is subject to an assessment under section 22 of this chapter for noncompliance with the requirement described in this subdivision.~~

~~(5) A specific method for determining the number of employees who:~~

~~(A) were students who participated in a course of study that included a cooperative arrangement between an employer and an educational institution for the training of students in high wage, high demand jobs that require an industry certification; and~~

~~(B) are employed during a taxable year.~~

~~(6) A requirement that the taxpayer annually shall report to the corporation:~~

~~(A) the number of employees who participated in a course of study that includes a cooperative arrangement between an employer and an educational institution for the training of~~

~~students in high wage, high demand jobs that require an industry certification;~~

~~(B) the income tax revenue withheld in connection with the employees described in clause (A); and~~

~~(C) any other information the corporation needs to perform the corporation's duties under this chapter.~~

~~(7) A requirement that the corporation is authorized to verify with the appropriate state agencies the information reported under subdivision (6), and after doing so shall issue a certificate to the taxpayer stating that the information has been verified.~~

~~(8) A requirement that the taxpayer shall provide written notification to the corporation not more than thirty (30) days after the taxpayer makes or receives a proposal that would transfer the taxpayer's state tax liability obligations to a successor taxpayer.~~

~~(9) Any other performance conditions that the corporation determines are appropriate.~~

~~(b) A taxpayer who is awarded a credit under this chapter for employees who participated in a course of study that included a cooperative agreement between an employer and an educational institution for the training of students in high wage, high demand jobs that require an industry certification may claim the credit only for employees whose course of study included a cooperative arrangement between the taxpayer and an educational institution for the training of students in high wage, high demand jobs that require an industry certification.~~

P.L.75-2020
[S.273. Approved March 18, 2020.]

AN ACT to amend the Indiana Code concerning human services.

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

SECTION 1. IC 12-7-2-34, AS AMENDED BY P.L.116-2019, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 34. "Commission" means the following:

(1) For purposes of IC 12-10-2, the meaning set forth in IC 12-10-2-1.

(2) For purposes of IC 12-12-2, the meaning set forth in IC 12-12-2-1.

(3) For purposes of IC 12-13-14, the meaning set forth in IC 12-13-14-1.

(4) For purposes of IC 12-15-30.5, the meaning set forth in IC 12-15-30.5-2.

(5) For purposes of IC 12-21-7, the meaning forth in IC 12-21-7-1.

~~(5)~~ **(6)** For purposes of IC 12-28-1, the meaning set forth in IC 12-28-1-3.

SECTION 2. IC 12-21-7 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 7. Indiana Behavioral Health Commission

Sec. 1. As used in this chapter, "commission" means the Indiana behavioral health commission established by section 2 of this chapter.

Sec. 2. The Indiana behavioral health commission is established.

Sec. 3. (a) The commission shall consist of the following members:

(1) One (1) legislative member appointed by the speaker of the house of representatives who shall serve as a nonvoting member.
(2) One (1) legislative member appointed by the minority leader of the house of representatives who shall serve as a nonvoting member.
(3) One (1) legislative member appointed by the president pro tempore of the senate who shall serve as a nonvoting member.
(4) One (1) legislative member appointed by the minority leader of the senate who shall serve as a nonvoting member.
(5) The director of the division or the director's designee.
(6) The director of the office of Medicaid policy and planning or the director's designee.
(7) The director of the department of child services or the director's designee.
(8) The director of the department of education or the director's designee.
(9) A representative from the office of the secretary of family and social services.
(10) A representative from the Indiana school resource officers association.
(11) The following individuals from a community mental health center:
(A) One (1) representative who serves as a chief executive officer at a community mental health center.
(B) Three (3) representatives with supervisory experience at a community mental health center, with one (1) representative from each of the following service areas:
(i) Adult services.
(ii) Youth services.
(iii) Addictions services.
(12) A school based mental health coordinator.
(13) A representative from a local law enforcement agency.
(14) A representative from a mental health advocacy association with statewide jurisdiction.
(15) A parent of a student who:
(A) is currently using; or
(B) has used;

school based mental health services.

(16) An adult who has received services from or through a local community mental health services provider.

(17) The mayor of an Indiana city with an existing mental health initiative.

(18) A representative from a local public safety agency.

(19) A representative from a state operated mental health facility.

(20) A licensed psychiatrist.

(21) A psychologist licensed under IC 25-33.

(22) An addictionologist.

(23) A representative affiliated with an emergency medical services provider.

(24) One (1) licensed clinical social worker.

(25) One (1) representative of a mental health provider association with statewide jurisdiction.

(b) The governor shall appoint the commission members described in subsection (a)(10) through (a)(25). The governor shall appoint one (1) member of the commission to serve as chairperson of the commission.

(c) A:

(1) chairperson shall serve at the pleasure of the governor; and

(2) commission member shall serve at the pleasure of the chairperson.

(d) 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 state department of administration and approved by the budget agency.

(e) 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.

(f) 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 division.

Sec. 4. (a) The commission shall prepare the following reports:

(1) An interim report due not later than October 1, 2020.

(2) A final report due not later than October 1, 2022.

(b) The reports described in subsection (a) must address issues in the following four (4) areas:

(1) Assessment and inventory.

(2) Funding and data.

(3) Youth and families.

(4) System design and access.

(c) The respective assessment and inventory portions of the reports described in subsection (a) must do the following:

(1) Conduct an assessment of behavioral health in Indiana. An assessment performed under this subdivision must include an evaluation of the following mental health issues in Indiana:

(A) Suicide.

(B) Mental health conditions and disorders.

(C) Substance use disorders.

(D) Childhood trauma.

(2) Evaluate barriers to mental health and substance use disorder treatment in Indiana. An assessment performed under this subdivision must include an evaluation of the following:

(A) Mental health systems.

(B) Access to mental health systems.

(C) Mental health providers.

(D) Funding for mental health systems and providers.

(3) Evaluate other state and national evidence based preventative and mental health programs. An evaluation performed under this subdivision must consider best practices for the following issues:

(A) Suicide prevention.

(B) Early intervention for mental health related issues.

(C) Treatment for substance use disorder.

(4) Conduct an inventory and assessment of Indiana's integrated, school based mental health service programs and related evidence based preventative programs.

(d) The respective funding and data portions of the reports described in subsection (a) must do the following:

(1) Review mental health and substance abuse funding sources. A review conducted under this subdivision must include a review of the following:

(A) Medicaid.

(B) Recovery works.

(C) Local tax revenue.

(D) Block grants.

(2) Make recommendations concerning funding priorities and funding levels for mental health programs and services in Indiana.

(3) Establish the cost of untreated mental illness.

(4) Evaluate the efficacy of the Data Assessment Registry Mental Health and Addiction (DARMHA) system and make recommendations for improving Indiana's current assessment and data system.

(e) The respective youth and families portions of the reports described in subsection (a) must do the following:

(1) Assess the impact of mental health and substance abuse issues on schools and the Indiana workforce. An assessment performed under this subdivision must include an evaluation of programs designed to improve transferrable skills.

(2) Prepare implementation recommendations from the 2018 Indiana School Safety Recommendations report that pertain to mental health and behavioral initiatives. A recommendation issued under this subdivision must provide additional steps designed to increase access to evidence based preventative programs for all students and mental health and behavioral health services for students in kindergarten through grade 12 students in need.

(f) The respective system design and access portions of the reports described in subsection (a) must do the following:

(1) Recommend ways to improve access to a continuum of behavioral health services across Indiana. A recommendation issued under this subdivision must include a review of 440 IAC 4.1.

(2) Recommend options to develop, improve, and implement crisis response protocols for behavioral health emergencies.

(3) Review the implementation of:

(A) whole health model; and

(B) integrated care;

paradigms.

(4) Assess value based system design with safety net characteristics.

(5) Develop recommendations and strategies designed to encourage collaboration, transparency, and innovation in mental health care delivery.

(6) Assess how age, race, and geographic location affect access to behavioral and mental health treatment.

(g) The commission may, in addition to the topics described in subsections (c) through (f), discuss any other topic or issue related to the overall improvement of the behavioral and mental health of Indiana residents.

(h) The reports described under subsection (a) shall be issued to the following parties:

(1) The governor.

(2) The legislative council.

(3) Any other party specified by the commission chairperson.

(i) A commission report prepared under this section must be, as appropriate, submitted to the parties designated under subsection (h) in an electronic format under IC 5-14-6.

Sec. 5. This chapter expires December 31, 2022.

SECTION 3. **An emergency is declared for this act.**

P.L.76-2020
[S.295. Approved March 18, 2020.]

AN ACT to amend the Indiana Code concerning education.

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

SECTION 1. IC 20-30-5-5.7, AS ADDED BY P.L.115-2017, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 5.7. (a) Not later than December 15, ~~2018,~~ **2020,** and each December 15 thereafter, each public school, including a charter school, and accredited nonpublic school shall provide age appropriate: ~~and~~

(1) research and evidence based; **or**

(2) research or evidence based;

instruction on child abuse and child sexual abuse to students in kindergarten through grade 12.

(b) The department, in consultation with school safety specialists, ~~and~~ school counselors, **school social workers, or school psychologists,** shall identify outlines or materials for the instruction described in subsection (a) and incorporate the instruction in kindergarten through grade 12.

(c) Any outlines and materials identified under subsection (b) must be demonstrated to be effective and promising.

~~(c)~~ **(d)** Instruction on child abuse and child sexual abuse may be delivered by a school safety specialist, school counselor, or any other person with training and expertise in the area of child abuse and child sexual abuse.

SECTION 2. IC 20-30-5-14, AS AMENDED BY P.L.57-2018, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 14. (a) As used in this section, "Indiana career explorer program and standards" refers to the:

(1) **software or** Internet based system approved by the department of workforce development; and

(2) standards established by the department of workforce development that are aligned to interdisciplinary employability skills standards prescribed in subsection (c);

that provides students with career and college planning resources.

(b) To:

(1) educate students on the importance of their future career choices;

(2) prepare students for the realities inherent in the work environment; and

(3) instill in students work values that will enable them to succeed in their respective careers;

each school within a school corporation shall include in the school's curriculum for all students in grades 1 through 12 instruction concerning employment matters and work values described in subsection (c).

(c) ~~Not later than July 1, 2019,~~ Each school within a school corporation shall include interdisciplinary employability skills standards established by the department, in conjunction with the department of workforce development, and approved by the state board in the school's curriculum.

(d) Each school shall:

(1) integrate within the curriculum instruction that is; or

(2) conduct activities or special events periodically that are;

designed to foster overall career awareness and career development as described in subsection (b).

(e) The department shall develop career awareness and career development models as described in subsection (f) to assist schools in complying with this section.

(f) The models described in this subsection must be developed in accordance with the following:

(1) For grades 1 through 5, career awareness models to introduce students to work values and basic employment concepts.

(2) For grades 6 through 8, initial career information models that focus on career choices as they relate to student interest and skills.

(3) For grades 9 through ~~10,~~ **12,** career exploration models that offer students insight into future employment options **and**

~~(4) For grades 11 through 12,~~ career preparation models that provide job or further education counseling, including the following:

(A) Initial job counseling, including the use of job service officers to provide school based assessment, information, and guidance on employment options and the rights of students as employees.

(B) Workplace orientation visits.

(C) On-the-job experience exercises.

(g) The department, with assistance from the department of labor and the department of workforce development, shall:

(1) develop and make available teacher guides; and

(2) conduct seminars or other teacher education activities;

to assist teachers in providing the instruction described in this section.

(h) The department shall, with assistance from the department of workforce development, design and implement innovative career preparation demonstration projects for students in at least grade 9.

~~(i) Beginning July 1, 2017, the department, in consultation with the department of workforce development, shall implement a pilot program for instruction in and use of the Indiana career explorer program and standards by all students in grade 8 attending schools in fifteen (15) schools. The department shall select the following to participate in the pilot program:~~

~~(1) Five (5) urban schools.~~

~~(2) Five (5) rural schools.~~

~~(3) Five (5) suburban schools.~~

~~The pilot program expires July 1, 2018, unless the department determines that the pilot program should be continued for an additional year. If the department determines that the pilot program should be extended, the department, in consultation with the department of workforce development, shall increase the number of schools involved in the pilot program by at least fifteen (15) additional schools in the second year of the pilot program, if possible based on the interest from schools. The pilot program expires July 1, 2019.~~

~~(j) Beginning July 1 in the year in which the pilot program described in subsection (i) expires,~~ **(i)** Each school in a school corporation and each charter school:

(1) shall include in the school's curriculum state developed career standards for all students in grade 8 that include instruction in and use of either:

~~(1)~~ **(A)** the Indiana career explorer program and standards; or

~~(2)~~ **(B)** an alternative Internet based system and standards that provide students with career and college planning resources that have been approved by the state board under subsection ~~(k);~~ **(j); and**

(2) except as provided in subdivision (1), may include in the school's curriculum state developed career standards for all students in any grade level that include instruction in and use of the program and standards or system and standards described in subdivision (1)(A) or (1)(B).

~~(k)~~ **(j)** A school corporation or charter school may submit a request to the state board to approve an alternative Internet based system and standards that provide students with career and college planning resources. The state board, in consultation with the department and the department of workforce development, may approve an alternative system and standards if the state board determines that the alternative system:

(1) has an aptitude assessment tool;

(2) contains educational course track information;

(3) has a tool for the preparation and development of the graduation plan prescribed in IC 20-30-4, including a parent sign in component;

(4) allows access to education and career demand information using data prepared by the department of workforce development; and

(5) is aligned to interdisciplinary employability skills standards prescribed in subsection (c).

(k) Beginning July 1, 2021, the department of workforce development shall implement an Indiana career explorer program that includes software or an Internet based system that does the following:

(1) Provides access to education and career demand information using data prepared by the department of workforce development.

(2) Provides educational and career assessments or tools that:

(A) must include an aptitude and career assessment;

(B) are aligned to interdisciplinary employability skills standards prescribed in subsection (c); and

(C) may include:

(i) educational course track information; and

(ii) a tool for the preparation and development of the graduation plan prescribed in IC 20-30-4, including a parent sign in component.

SECTION 3. IC 20-30-5-14.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 14.5. (a) Not later than December 31, 2020, the department of workforce development shall issue a request for proposals in accordance with IC 5-22-9 for the purpose of entering a public-private partnership for the provision of educational and career assessments or tools described in section 14(k)(2) of this chapter.**

(b) The department of workforce development shall complete the request for proposals process and implement the Indiana career explorer program described in section 14(k) of this chapter not later than July 1, 2021.

(c) The department of workforce development may adopt rules under IC 4-22-2 to implement this section and section 14(k) of this chapter.

(d) This section expires July 1, 2022.

SECTION 4. IC 20-30-5-23, AS ADDED BY P.L.132-2018, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 23. (a) After June 30, 2021, each public high school, including each charter school, shall offer at least one (1) computer science course as a one (1) semester elective in the public high school's curriculum at least once each school year for high school students.

(b) After June 30, 2021, each public school, including each charter school, shall include computer science in the public school's curriculum for students in kindergarten through grade 12. A public high school fulfills the requirements under this subsection by meeting the requirements under subsection (a).

(c) If a public school fails to comply with this section, the department shall assist the public school in meeting the requirements under this section.

(d) The department shall:

(1) prepare an annual report concerning the implementation of computer science courses in public high schools, including charter schools, that includes the information described in subsection (e); and

(2) submit, before December 1 of each year, the report to the following:

(A) The state board.

(B) The general assembly.

(C) The commission for higher education.

The department shall submit the written report to the general assembly in an electronic format under IC 5-14-6.

(e) The report under subsection (d) must include the following information:

(1) The total number and percentage of computer science unique student course enrollments and course completions for each public high school, including each charter school, and by each course title approved by the department.

(2) The number and percentage of unique student enrollments and course completions in a computer science course by each course title approved by the department and disaggregated by:

(A) race;

(B) gender;

(C) grade;

(D) ethnicity;

(E) limited English language proficiency;

(F) free or reduced price lunch status; and

(G) eligibility for special education.

(3) The number of computer science instructors at each school disaggregated by:

(A) gender;

(B) certification, if applicable; and

(C) academic degree.

(4) Any other pertinent matters.

(f) The department shall post the report described in subsections (d) and (e) on the department's Internet web site.

SECTION 5. IC 20-31-5-4, AS AMENDED BY P.L.143-2019, SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 4. (a) A plan must:

(1) state objectives for a three (3) year period; and

(2) be annually reviewed and revised to accomplish the achievement objectives of the school.

(b) A plan must establish objectives for the school to achieve.

(c) A plan must address the learning needs of all students, including programs and services for exceptional learners.

(d) A plan must specify how and to what extent the school expects to make continuous improvement in all areas of the education system where results are measured by setting benchmarks for progress on an individual school basis.

(e) A plan must note specific areas where improvement is needed immediately.

(f) ~~On or before November 1 of the year in which the pilot program described in IC 20-30-5-14(i) expires,~~ Each school in a school corporation and each charter school shall include in the plan a summary of how the school will implement the curriculum described in IC 20-30-5-14(f), including the proposed student activities. A school may subsequently amend the school's plan under this subsection in a manner prescribed by the department. The department shall review the submitted plans under this subsection every two (2) years and may review a plan at random to review the relevancy of the plan to the changing economy. The department shall assist schools in incorporating best practices from around the state.

(g) Each year before November 1, the budget agency shall estimate the costs incurred by each school corporation in the immediately preceding school year to implement the curriculum described in IC 20-30-5-14(f), including the proposed student activities, and submit a report of these costs by school corporation to the general assembly in an electronic format under IC 5-14-6.

P.L.77-2020
[S.299. Approved March 18, 2020.]

AN ACT to amend the Indiana Code concerning health.

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

SECTION 1. IC 16-34-2-1.1, AS AMENDED BY P.L.129-2018, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1.1. (a) An abortion shall not be performed except with the voluntary and informed consent of the pregnant woman upon whom the abortion is to be performed. Except in the case of a medical emergency, consent to an abortion is voluntary and informed only if the following conditions are met:

(1) At least eighteen (18) hours before the abortion and in the private, not group, presence of the pregnant woman, the physician who is to perform the abortion, the referring physician or a physician assistant (as defined in IC 25-27.5-2-10), an advanced practice registered nurse (as defined in IC 25-23-1-1(b)), or a certified nurse midwife (as defined in IC 34-18-2-6.5) to whom the responsibility has been delegated by the physician who is to perform the abortion or the referring physician has informed the pregnant woman orally and in writing of the following:

(A) The name of the physician performing the abortion, the physician's medical license number, and an emergency telephone number where the physician or the physician's designee may be contacted on a twenty-four (24) hour a day, seven (7) day a week basis.

(B) That follow-up care by the physician or the physician's designee (if the designee is licensed under IC 25-22.5) is available on an appropriate and timely basis when clinically necessary.

(C) The nature of the proposed procedure or information concerning the abortion inducing drug.

(D) Objective scientific information of the risks of and alternatives to the procedure or the use of an abortion inducing drug, including:

(i) the risk of infection and hemorrhage;

(ii) the potential danger to a subsequent pregnancy; and

(iii) the potential danger of infertility.

(E) That human physical life begins when a human ovum is fertilized by a human sperm.

(F) The probable gestational age of the fetus at the time the abortion is to be performed, including:

(i) a picture of a fetus;

(ii) the dimensions of a fetus; and

(iii) relevant information on the potential survival of an unborn fetus;

at this stage of development.

(G) That objective scientific information shows that a fetus can feel pain at or before twenty (20) weeks of postfertilization age.

(H) The medical risks associated with carrying the fetus to term.

(I) The availability of fetal ultrasound imaging and auscultation of fetal heart tone services to enable the pregnant woman to view the image and hear the heartbeat of the fetus and how to obtain access to these services.

(J) That the pregnancy of a child less than fifteen (15) years of age may constitute child abuse under Indiana law if the act included an adult and must be reported to the department of child services or the local law enforcement agency under IC 31-33-5.

(K) That Indiana does not allow a fetus to be aborted solely because of the fetus's race, color, national origin, ancestry, sex, or diagnosis or potential diagnosis of the fetus having Down syndrome or any other disability.

(2) At least eighteen (18) hours before the abortion, the pregnant woman will be informed orally and in writing of the following:

(A) That medical assistance benefits may be available for prenatal care, childbirth, and neonatal care from the county office of the division of family resources.

(B) That the father of the unborn fetus is legally required to assist in the support of the child. In the case of rape, the information required under this clause may be omitted.

(C) That adoption alternatives are available and that adoptive parents may legally pay the costs of prenatal care, childbirth, and neonatal care.

(D) That there are physical risks to the pregnant woman in having an abortion, both during the abortion procedure and after.

(E) That Indiana has enacted the safe haven law under IC 31-34-2.5.

(F) The:

(i) Internet web site address of the state department of health's web site; and

(ii) description of the information that will be provided on the web site and that are;

described in section 1.5 of this chapter.

(G) For the facility in which the abortion is to be performed, an emergency telephone number that is available and answered on a twenty-four (24) hour a day, seven (7) day a week basis.

(H) On a form developed by the state department and as described in IC 16-34-3, that the pregnant woman has a right to determine the final disposition of the remains of the aborted fetus.

(I) On a form developed by the state department, ~~information concerning the available options for disposition of~~ **that the pregnant woman has a right, after a surgical abortion, to:**

(i) dispose of the remains of the aborted fetus **by interment in compliance with IC 23-14-54, or cremation through a licensee (as defined in IC 25-15-2-19) and in compliance with IC 23-14-31; or**

(ii) have the health care facility or abortion clinic dispose of the remains of the aborted fetus by interment in compliance with IC 23-14-54, or cremation through a licensee (as defined in IC 25-15-2-19) and in compliance with IC 23-14-31, and ask which method of disposition will be used by the health care facility or abortion clinic.

(J) On a form developed by the state department:

(i) that a pregnant woman, after an abortion induced by an abortion inducing drug, will expel an aborted fetus; and

(ii) the disposition policy of the health care facility or the abortion clinic concerning the disposition of the aborted fetus. The disposition policy must allow the pregnant woman to return the aborted fetus to the health care facility or abortion clinic for disposition by interment in compliance with IC 23-14-54, or cremation through a licensee (as defined in IC 25-15-2-19) and in compliance with IC 23-14-31.

~~(J)~~ **(K)** On a form developed by the state department, information concerning any counseling that is available to a pregnant woman after having an abortion.

The state department shall develop and distribute the forms required by clauses (H) through ~~(J).~~ **(K).**

(3) The pregnant woman certifies in writing, on a form developed by the state department, before the abortion is performed, that:

(A) the information required by subdivisions (1) and (2) has been provided to the pregnant woman;

(B) the pregnant woman has been offered by the provider the opportunity to view the fetal ultrasound imaging and hear the auscultation of the fetal heart tone if the fetal heart tone is audible and that the woman has:

(i) viewed or refused to view the offered fetal ultrasound imaging; and

(ii) listened to or refused to listen to the offered auscultation of the fetal heart tone if the fetal heart tone is audible; and

(C) the pregnant woman has been given a written copy of the printed materials described in section 1.5 of this chapter.

(4) At least eighteen (18) hours before the abortion and in the presence of the pregnant woman, the physician who is to perform the abortion, the referring physician or a physician assistant (as defined in IC 25-27.5-2-10), an advanced practice registered nurse (as defined in IC 25-23-1-1(b)), or a certified nurse midwife (as defined in IC 34-18-2-6.5) to whom the responsibility has been delegated by the physician who is to perform the abortion or

the referring physician has provided the pregnant woman with a color copy of the informed consent brochure described in section 1.5 of this chapter by printing the informed consent brochure from the state department's Internet web site and including the following information on the back cover of the brochure:

(A) The name of the physician performing the abortion and the physician's medical license number.

(B) An emergency telephone number where the physician or the physician's designee may be contacted twenty-four (24) hours a day, seven (7) days a week.

(C) A statement that follow-up care by the physician or the physician's designee who is licensed under IC 25-22.5 is available on an appropriate and timely basis when clinically necessary.

(5) At least eighteen (18) hours before an abortion is performed and at the same time that the pregnant woman receives the information required by subdivision (1), the provider shall perform, and the pregnant woman shall view, the fetal ultrasound imaging and hear the auscultation of the fetal heart tone if the fetal heart tone is audible unless the pregnant woman certifies in writing, on a form developed by the state department, before the abortion is performed, that the pregnant woman:

(A) does not want to view the fetal ultrasound imaging; and

(B) does not want to listen to the auscultation of the fetal heart tone if the fetal heart tone is audible.

(b) This subsection applies to a pregnant woman whose unborn child has been diagnosed with a lethal fetal anomaly. The requirements of this subsection are in addition to the other requirements of this section. At least eighteen (18) hours before an abortion is performed on the pregnant woman, the physician who will perform the abortion shall:

(1) orally and in person, inform the pregnant woman of the availability of perinatal hospice services; and

(2) provide the pregnant woman copies of the perinatal hospice brochure developed by the state department under IC 16-25-4.5-4 and the list of perinatal hospice providers and programs developed under IC 16-25-4.5-5, by printing the perinatal hospice brochure and list of perinatal hospice providers from the state department's Internet web site.

(c) If a pregnant woman described in subsection (b) chooses to have an abortion rather than continuing the pregnancy in perinatal hospice care, the pregnant woman shall certify in writing, on a form developed by the state department under IC 16-25-4.5-6, at least eighteen (18) hours before the abortion is performed, that the pregnant woman has been provided the information described in subsection (b) in the manner required by subsection (b).

SECTION 2. IC 16-34-3-2, AS AMENDED BY P.L.85-2017, SECTION 73, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 2. (a) A pregnant woman who has an abortion under this article has the right to ~~determine the final disposition~~ **have the health care facility or abortion clinic dispose** of the aborted fetus **by interment in compliance with IC 23-14-54, or cremation through a licensee (as defined in IC 25-15-2-19) and in compliance with IC 23-14-31. The pregnant woman who selects to have the health care facility or abortion clinic dispose of the aborted fetus has the right to ask which method will be used by the health care facility or abortion clinic.**

(b) After receiving the notification and information required by IC 16-34-2-1.1(a)(2)(H), ~~and~~ IC 16-34-2-1.1(a)(2)(I), **and IC 16-34-2-1.1(a)(2)(J),** the pregnant woman shall inform the abortion clinic or the health care facility:

(1) in writing; and

(2) on a form prescribed by the state department;

of the pregnant woman's decision for final disposition of the aborted fetus ~~before the aborted fetus may be discharged from the abortion clinic or the health care facility.~~ **by cremation or interment and, in an abortion induced by an abortion inducing drug, whether the pregnant woman will return the aborted fetus to the health care facility or abortion clinic for disposition by interment in compliance with IC 23-14-54, or cremation through a licensee (as defined in IC 25-15-2-19) and in compliance with IC 23-14-31.**

(c) If the pregnant woman is a minor, the abortion clinic or health care facility shall obtain parental consent in the disposition of the aborted fetus unless the minor has received a waiver of parental consent under IC 16-34-2-4.

(d) The abortion clinic or the health care facility shall document the pregnant woman's decision concerning disposition of the aborted fetus in the pregnant woman's medical record.

(e) In the case of an abortion induced by an abortion inducing drug, the pregnant woman may return the aborted fetus to the health care facility or abortion clinic for disposition by interment in compliance with IC 23-14-54, or cremation through a licensee (as defined in IC 25-15-2-19) and in compliance with IC 23-14-31.

SECTION 3. IC 16-34-3-4, AS AMENDED BY P.L.213-2016, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 4. (a) An abortion clinic or health care facility having possession of an aborted fetus shall provide for the final disposition of the aborted fetus. The burial transit permit requirements of IC 16-37-3 apply to the final disposition of an aborted fetus, which must be interred or cremated. However:

(1) a person is not required to designate a name for the aborted fetus on the burial transit permit and the space for a name may remain blank; and

(2) any information submitted under this section that may be used to identify the pregnant woman is confidential and must be redacted from any public records maintained under IC 16-37-3.

Aborted fetuses may be cremated by simultaneous cremation.

(b) If the abortion clinic or health care facility conducts the cremation of aborted fetal remains on site, the abortion clinic or health care facility must comply with all state laws concerning the cremation of human remains as prescribed in IC 23-14-31. The abortion clinic or health care facility must make the onsite cremation equipment available to the state department for inspection at the time the abortion clinic or health care facility is inspected. When the abortion clinic or health care facility contracts with a licensed funeral home for the disposal of the aborted fetal remains, the contract must be made available for review by the state department at the time the abortion clinic or health care facility is inspected.

(c) Except in extraordinary circumstances where the required information is unavailable or unknown, a burial transit permit issued under IC 16-37-3 that includes multiple fetal remains must be accompanied by a log prescribed by the state department

containing the following information about each fetus included under the burial transit permit:

(1) The date of the abortion.

(2) Whether the abortion was surgical or induced by an abortion inducing drug.

(3) The name of the funeral director licensee who will be retrieving the aborted fetus.

(4) In the case of an abortion induced by an abortion inducing drug:

(A) whether the pregnant woman will cremate or inter the fetus, or will return the fetus to the health care facility or abortion clinic for disposition; and

(B) if the pregnant woman returns the fetus to the health care facility or abortion clinic, whether the returned fetus is included in the burial transit permit.

The abortion clinic or health care facility must keep a copy of the burial transit permit and accompanying log in a permanent file.

(d) Each time the fetal remains are transported from one entity to another for disposition, the entity receiving the fetal remains must confirm that the number of fetal remains matches the information contained in the burial transit permit and accompanying log. After final disposition, a copy of the log will be sent back to the health care facility or abortion clinic. The final log will be attached to the original log described in subsection (c) and will be made available for review by the state department at the time of inspection.

(e) An abortion clinic or a health care facility is responsible for demonstrating to the state department that the abortion clinic or the health care facility has complied with the protocol provided in this section.

~~(b)~~ **(f)** ~~The local health officer shall issue a permit for the disposition of the aborted fetus to the person in charge of interment for the interment of the aborted fetus.~~ A certificate of stillbirth is not required to be issued for an aborted fetus with a gestational age of less than twenty (20) weeks of age.

~~(c)~~ **(g)** IC 23-14-31-26, IC 23-14-55-2, IC 25-15-9-18, and IC 29-2-19-17 concerning the authorization of disposition of human remains apply to this section.

P.L.78-2020
[S.319. Approved March 18, 2020.]

AN ACT to amend the Indiana Code concerning education.

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

SECTION 1. IC 20-28-5-25, AS ADDED BY P.L.143-2019, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 25. (a) This section applies to a professional growth plan that begins after July 1, 2019.

(b) Fifteen (15) of the total number of professional growth experience points required to renew a practitioner license or ~~an~~ accomplished practitioner license ~~must~~ **may** be obtained through the completion of one (1) or more of the following:

(1) ~~An externship with a company.~~ **Working for or with a local company in a capacity that includes an understanding of the current and future economic needs of the company and community and a process to disseminate that information to students.**

(2) Professional development provided by the state, a local business, or a community partner that provides opportunities for schools and employers to partner in promoting career navigation.

(3) Professional development provided by the state, a local business, or a community partner that outlines the:

(A) current and future economic needs of the community, state, nation, and globe; and

(B) ways in which the current and future economic needs described in clause (A) can be disseminated to students.

(4) Participation in mentoring or coaching students who are involved in, working with students who are involved in, and exposing students to real world competitions or any other types of programs that provide career skills, including

competitions or programs involving or provided by the following:

(A) Robotics.

(B) Tests of Engineering Aptitude, Mathematics and Science (TEAMS).

(C) Technology Student Association (TSA).

(D) Future Health Professionals (HOSA).

(E) Distributive Education Clubs of America (DECA).

(F) Future Farmers of America (FFA).

(c) This section may not be construed to limit the types of professional development that qualify for professional growth experience points.

SECTION 2. **An emergency is declared for this act**.

P.L.79-2020
[S.331. Approved March 18, 2020.]

AN ACT to amend the Indiana Code concerning motor vehicles.

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

SECTION 1. IC 9-18.5-7-1, AS ADDED BY P.L.198-2016, SECTION 327, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1. The bureau shall design and issue a vehicle license plate under IC 9-18.5-12 that will designate a vehicle as being registered under IC 9-18 (before its expiration) or IC 9-18.1 by ~~an active~~ **a current or former** member of the National Guard.

SECTION 2. IC 9-18.5-7-3, AS ADDED BY P.L.198-2016, SECTION 327, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 3. (a) An Indiana resident who is ~~an active~~ **a current or former** member of the Army or Air National

Guard may apply for and receive one (1) or more license plates under this chapter.

(b) An individual applying for a National Guard license plate under this chapter **as a current member of the National Guard** must demonstrate the individual's status as ~~an active~~ **a current** member of the Army or Air National Guard by presenting the following with the ~~person's~~ **individual's** application:

(1) A current United States armed forces identification card.

(2) A letter signed by the individual's commanding officer identifying the individual as a current active member.

(c) An individual applying for a National Guard license plate under this chapter as a former member of the National Guard must present with the individual's application a copy of the individual's:

(1) National Guard Bureau Form 22 or 22A showing the individual received an honorable or general under honorable conditions discharge; or

(2) National Guard Bureau Form 23D or 23E showing the individual as retired;

as proof of the individual's status as a former member of the Army or Air National Guard.

SECTION 3. [EFFECTIVE JULY 1, 2020] **(a) IC 9-18.5-7-1 and IC 9-18.5-7-3, both as amended by this act, apply to registration years beginning after December 31, 2020.**

(b) This SECTION expires January 1, 2022.

P.L.80-2020
[S.340. Approved March 18, 2020.]

AN ACT to amend the Indiana Code concerning property.

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

SECTION 1. IC 32-21-2-3, AS AMENDED BY P.L.14-2019, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 3. (a) Except as provided in subsection (c), a conveyance, a mortgage, or an instrument of writing to be recorded must be:

(1) acknowledged by the grantor; ~~or~~ **and**

(2) proved before a:

(A) judge;

(B) clerk of a court of record;

(C) county auditor;

(D) county recorder;

(E) notary public;

(F) mayor of a city in Indiana or any other state;

(G) commissioner appointed in a state other than Indiana by the governor of Indiana;

(H) minister, charge d'affaires, or consul of the United States in any foreign country;

(I) clerk of the city county council for a consolidated city, city clerk for a second class city, or clerk-treasurer for a third class city;

(J) clerk-treasurer for a town; or

(K) person authorized under IC 2-3-4-1.

(b) In addition to the requirements under subsection (a), a conveyance may not be recorded after June 30, 2007, unless it meets the requirements of this subsection. The conveyance must include a statement containing substantially the following information:

"The mailing address to which statements should be mailed under IC 6-1.1-22-8.1 is [insert proper mailing address]. The mailing address of the grantee is [insert proper mailing address].".

The mailing address for the grantee must be a street address or a rural route address. A conveyance complies with this subsection if it contains the address or addresses required by this subsection at the end of the conveyance and immediately preceding or following the statements required by IC 36-2-11-15.

(c) This section does not apply to the Indiana department of transportation.

SECTION 2. IC 32-24-1-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 6. (a) Upon the filing of a complaint under this chapter, the circuit court clerk shall issue a notice requiring the defendants to appear before the court on the day to be fixed by the plaintiff by indorsement on the complaint at the time of filing the complaint, and to show cause, if any, why the property sought to be condemned should not be acquired. **The notice must also provide notice to defendants of their right to object under section 8 of this chapter not later than thirty (30) days from the date the notice is served. The notice must include, either as an attachment or as part of the language of the notice, the full text of section 8 of this chapter.** The notice shall be substantially in the following form:

In the _____ Court of Indiana.

To the Sheriff of _____ County, Indiana:

You are hereby commanded to notify _____, defendants, to appear before the _____ Court of _____ County, Indiana on the ____ day of _____, 20_____, at _____ o'clock, __ M. ~~to show cause, if any, they have why the~~ **to object to the condemnation of** property sought to be acquired in the complaint of _____. ~~should not be acquired.~~ **If defendants object to the acquisition of the property, defendants must file objections with the court under IC 32-24-1-8 not later than thirty (30) days after the date this notice is served. The court may extend the period for filing objections by an additional thirty (30) days upon written motion of the defendants.**

Witness my hand and the seal of the court affixed at _____, Indiana, this ___ day of _____, 20_____.

Clerk of _____ Court.

(b) The notice shall be served in the same manner as a summons is served in civil actions. Upon a showing by affidavit that any defendant is a nonresident of Indiana or that the defendant's name or residence is unknown, publication and proof of the notice may be made as provided in section 7 of this chapter.

SECTION 3. IC 32-24-1-8, AS AMENDED BY P.L.146-2017, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 8. (a) A defendant may object to the proceedings:

(1) because the court does not have jurisdiction either of the subject matter or of the person;

(2) because the plaintiff does not have the right to exercise the power of eminent domain for the use sought; or

(3) for any other reason disclosed in the complaint or set up in the objections.

(b) Objections under subsection (a) must be:

(1) in writing;

(2) separately stated and numbered; and

(3) filed not later than thirty (30) days after the date the notice required in section 6 of this chapter is served on the defendant. However, the court may extend the period for filing objections by not more than thirty (30) days upon written motion of the defendant.

(c) The court may not allow pleadings in the cause other than the complaint, any objections, and the written exceptions provided for in section 11 of this chapter. However, the court may permit amendments to the pleadings.

(d) If an objection is sustained, the plaintiff may amend the complaint or may appeal from the decision in the manner that appeals are taken from final judgments in civil actions. All the parties shall take notice and are bound by the judgment in an appeal.

(e) If the objections are overruled, the court shall appoint appraisers as provided for in this chapter. Any defendant may appeal the interlocutory order overruling the objections and appointing appraisers in the manner that appeals are taken from final judgments in civil actions.

(f) All the parties shall take notice of and be bound by the judgment in the appeal.

(g) The transcript must be filed in the office of the clerk of the supreme court not later than thirty (30) days after the notice of the defendant's appeal is filed. The appeal does not stay proceedings in the cause.

(h) This subsection does not apply to a condemnation action brought by a public utility (as defined in section 5.9(a) of this chapter) or by a pipeline company. Notwithstanding section 14 of this chapter, if an objection:

(1) is sustained, and no appeal is filed; or

(2) is sustained in the judgment in the appeal;

the court shall award the defendant the reasonable costs and attorney's fees incurred for the objection, in an amount not to exceed twenty-five thousand dollars ($25,000).

SECTION 4. IC 32-24-2-6, AS AMENDED BY P.L.172-2009, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 6. (a) This chapter applies if the works board of a municipality wants to acquire property for the use of the municipality or to open, change, lay out, or vacate a street, an alley, or a public place in the municipality, including a proposed street or alley crossings of railways or other rights-of-way. However, this chapter does not apply if a municipality wants to acquire the property of a public utility (as defined in IC 8-1-2-1).

(b) The works board must adopt a resolution that the municipality wants to acquire the property. The resolution must describe the property that may be injuriously or beneficially affected. The board shall have notice of the resolution:

(1) published in a newspaper of general circulation published in the municipality once each week for two (2) consecutive weeks; **and**

(2) mailed to the owner of each piece of property affected by the proposed acquisition.

The notice must name a date, at least ~~ten (10)~~ **thirty (30)** days after the last publication, at which time the board will receive or hear remonstrances from persons interested in or affected by the proceeding.

(c) The works board shall consider the remonstrances, if any, and then take final action, confirming, modifying, or rescinding its original resolution. ~~This action is conclusive as to all persons.~~

SECTION 5. IC 32-24-2-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 8. (a) Upon the completion of the list, the works board shall award the damages sustained and assess the benefits accruing to each piece of property on the list.

(b) When the assessments or awards are completed, the works board shall have a written notice served upon the owner of each piece of property, showing the amount of the assessment or award, by:

(1) if the owner is a resident of the municipality, leaving a copy of the notice at the owner's last usual place of residence in the municipality or by delivering a copy to the owner personally **and mailing a copy of the notice to the owner's address of record; or**

(2) if the owner is not a resident of the municipality, by sending the notice to the owner's address of record by certified mail.

(c) ~~If the owner is a nonresident, or~~ If the owner's residence is unknown, the municipality shall notify the owner by publication in a daily newspaper of general circulation in the municipality once each week for three (3) successive weeks.

(d) The notices must also name a day, at least ~~ten (10)~~ **thirty (30)** days after service of notice or after the last publication, on which the works board will receive or hear remonstrances from ~~persons~~ **owners** with regard to:

(1) the amount of their respective awards or assessments; **and**

(2) objections to the municipality's right to exercise the power of eminent domain for the use sought.

(e) Persons not included in the list of the assessments or awards and claiming to be entitled to them are considered to have been notified of the pendency of the proceedings by the original notice of the resolution of the works board.

(f) The notice required by this section must provide the full text of subsection (d) to provide notice to the property owners of their right to object to the condemnation and be in substantially the same form as the notice required under IC 32-24-1-6(a).

SECTION 6. IC 32-24-2-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 10. (a) A person notified or considered to be notified under this chapter may appear

before the works board on the day fixed for hearing remonstrances to awards and assessments **and the municipality's right to exercise the power of eminent domain for the use sought** and remonstrate in writing against them.

(b) After the remonstrances have been received, the works board shall either sustain or modify the awards or assessments in the case of remonstrances that have been filed **that are based on the amount of the awards or assessments.** The works board shall sustain the award or assessment in the case of an award or assessment against which a remonstrance has not been filed.

(c) If a person remonstrates in writing an objection to the municipality's right to exercise the power of eminent domain for the use sought, the works board shall consider the remonstrance and confirm, modify, or rescind its original resolution.

~~(c)~~ **(d)** A person remonstrating in writing who is aggrieved by the decision of the works board may, not later than ~~twenty (20)~~ **thirty (30)** days after the decision is made, take an appeal to a court that has jurisdiction in the county in which the municipality is located. The appeal affects only the assessment or award of the person appealing.

SECTION 7. IC 32-24-2-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 11. (a) The appeal may be taken by filing an original complaint in the court against the municipality within the time required by section ~~10(c)~~ **10(d)** of this chapter, setting forth the action of the works board with respect to the assessment and stating the facts relied upon as showing an error on the part of the board. The court shall rehear the matter of the assessment de novo and confirm, reduce, or increase the assessment. If the court reduces the amount of benefit assessed or increases the amount of damages awarded, the plaintiff may recover costs. If the court confirms the amount of the assessment, the plaintiff may not recover costs. ~~The judgment of the court is conclusive, and an appeal may not be taken from the court's judgment.~~

(b) If upon appeal the benefits assessed or damages awarded by the works board are reduced or increased, the municipality may, upon the payment of costs, discontinue the proceedings. It may also, through the works board, make and adopt an additional assessment against all the property originally assessed in the proceeding, or that part that is benefitted, in the manner provided for the original assessment.

However, such an assessment against any one (1) piece of property may not exceed ten percent (10%) of the original assessment against it.

(c) If the municipality decides to discontinue the proceedings upon payment of costs and if assessments for benefits have already been paid, the amounts paid shall be paid back to the person or persons paying them.

(d) The parties may appeal a court's judgment under this section in the manner that appeals are taken from final judgments in civil actions. All of the parties shall take notice of and be bound by the judgment of the appeal.

SECTION 8. IC 32-24-4.5-11, AS ADDED BY P.L.163-2006, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 11. (a) This section applies to a parcel of real property located in a project area:

(1) that is located in only one (1) county;

(2) that is at least ten (10) acres in size; and

(3) in which a condemnor or its agents has acquired clear title to at least ninety percent (90%) of the parcels in the project area.

(b) As used in this section, "project area" means an area designated by a condemnor and the legislative body for the condemnor for economic development.

(c) Notwithstanding sections 7 and 8 of this chapter, a condemnor may acquire a parcel of real property by the exercise of eminent domain under this section only if all of the following conditions are met:

(1) The parcel of real property is not occupied by the owner of the parcel as a residence.

(2) The legislative body for the condemnor adopts a resolution by a ~~two-thirds (2/3)~~ **three-fourths (3/4)** vote that authorizes the condemnor to exercise eminent domain over a particular parcel of real property.

(d) A condemnor that acquires a parcel of real property through the exercise of eminent domain under this section shall compensate the owner of the parcel as follows:

(1) Payment to the owner equal to one hundred twenty five percent (125%) of the fair market value of the parcel as determined under IC 32-24-1.

(2) Payment of any other damages as determined under IC 32-24-1 and any loss incurred in a trade or business that is attributable to the exercise of eminent domain.

(3) Payment of the owner's relocation costs, if any.

(e) The condemnor may not acquire a parcel of real property through the exercise of eminent domain under this section if the owner of the parcel demonstrates by clear and convincing evidence that:

(1) the location of the parcel is essential to the viability of the owner's commercial activity and **the payment of damages and relocation costs cannot adequately compensate the owner of the parcel; or**

(2) ~~the payment of damages and relocation costs cannot adequately compensate the owner of the parcel.~~ **the parcel is not necessary for the economic development project for which it is sought.**

(f) The court shall award the payment of reasonable attorney's fees to the owner of a parcel in accordance with this chapter.

P.L.81-2020
[S.343. Approved March 18, 2020.]

AN ACT to amend the Indiana Code concerning utilities.

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

SECTION 1. IC 5-1.5-1-8, AS AMENDED BY P.L.189-2018, SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 8. "Qualified entity" means:

(1) a political subdivision (as defined in IC 36-1-2-13);

(2) a state educational institution;

(3) a leasing body (as defined in IC 5-1-1-1(a));

(4) a not-for-profit utility (as defined in IC 8-1-2-125);

(5) any rural electric membership corporation organized under IC 8-1-13;

(6) any corporation that was organized in 1963 under Acts 1935, c. 157 and that engages in the generation and transmission of electric energy;

(7) any ~~telephone~~ **communications** cooperative corporation formed under IC 8-1-17;

(8) any commission, authority, or authorized body of any qualified entity;

(9) any organization, association, or trust with members, participants, or beneficiaries that are all individually qualified entities;

(10) any commission, authority, or instrumentality of the state;

(11) any other participant (as defined in IC 5-1.2-2-54);

(12) a charter school established under IC 20-5.5 (before its repeal) or IC 20-24 that is not a qualified entity under IC 5-1.4-1-10;

(13) a volunteer fire department (as defined in IC 36-8-12-2); or

(14) a development authority (as defined in IC 36-7.6-1-8).

SECTION 2. IC 8-1-3-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 6. All rules, practices, installations, and services prescribed, approved, or required by the commission shall be in force and shall be prima facie reasonable unless finally found otherwise by the court of appeals or by the supreme court if the cause is transferred to and decided by that court. However, pending the appeal as in this chapter provided, any municipally owned utility, public utility, rural electric membership corporation, or rural ~~telephone~~ **communications** cooperative ~~association~~ **corporation** whose rate or rates are affected by the decision, ruling, or order appealed from shall have the right to collect the rate or rates as fixed by said decision, ruling, or order, or the former rate, whichever is higher in amount, and such municipally owned utility, public utility, corporation, or association shall refund the difference to each consumer or contract customer if such difference be not sustained upon appeal. However, pending the appeal as in this chapter provided, the court of appeals, upon good cause shown by verified petition, may authorize and permit, but not require, any common or contract carrier whose rate or rates are affected by the decision, ruling, or order appealed from, to collect the

rate or rates published and in effect or the rate or rates sought to be put into effect, immediately prior to the commencement of the proceeding before the commission, subject to such provisions for bond or escrow as the court shall provide to protect the interest of all parties of record before the court.

SECTION 3. IC 8-1-17-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1. This chapter may be known and referred to as the "Rural ~~Telephone~~ **Communications** Cooperative Act".

SECTION 4. IC 8-1-17-2, AS AMENDED BY P.L.136-2018, SECTION 73, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 2. Any number of natural persons not less than eleven (11) may, by executing, filing, and recording articles of incorporation as provided in this chapter, form a cooperative corporation, not organized for pecuniary profit, for the purpose of:

(1) if ~~such~~ **the** corporation ~~be~~ **is** local in its scope, promoting and encouraging the fullest possible use of ~~telephone~~ **communications** service in Indiana by making ~~telephone~~ **communications** service and educational services incident to ~~telephone~~ **communications** service available to inhabitants of rural areas of Indiana at the lowest cost consistent with sound economy and prudent management of the business of the cooperative corporation; or

(2) if ~~such~~ **the** corporation ~~be~~ **is** general in its scope, furnishing engineering, financial, accounting, and/or educational services, incident to ~~telephone~~ **communications** service.

SECTION 5. IC 8-1-17-2.1, AS AMENDED BY P.L.27-2006, SECTION 40, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 2.1. (a) If the requirements of subsection (b) are met, a local cooperative telephone corporation formed under Acts 1935, c.157 is considered to ~~have been~~ **be a communications cooperative corporation** formed under this chapter and is subject to its requirements and not the requirements of IC 23-7-1.1 (before its repeal August 1, 1991) or IC 23-17.

(b) A local cooperative telephone corporation described in subsection (a) shall amend its articles of incorporation in accordance with IC 23-7-1.1 (before its repeal August 1, 1991) or IC 23-17 to conform to the requirements of this chapter and shall submit a copy of

its amended articles to the commission for approval. After examining the articles, the commission shall approve the amended articles if they conform to the requirements of this chapter. The commission may approve the amended articles without conducting a hearing. The secretary of state may not issue a certificate of amendment before the commission approves the amended articles under this subsection.

(c) The certificate of public convenience and necessity or certificate of territorial authority previously issued to a local cooperative telephone corporation described in subsection (a) shall serve as the certificate required under section 6 of this chapter (before its repeal July 1, 2009).

(d) Subsection (a) applies to a local telephone cooperative corporation as of the date the secretary of state issues a certificate of amendment under IC 23-7-1.1-26 (before its repeal August 1, 1991) or IC 23-17-17.

(e) The local cooperative telephone corporation shall record the amended articles of incorporation in the county where the local cooperative telephone corporation has its principal office.

SECTION 6. IC 8-1-17-2.2 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 2.2. (a) A telephone cooperative corporation formed under this chapter before July 1, 2020, is, after June 30, 2020:**

(1) considered to be a communications cooperative corporation; and

(2) subject to this chapter;

as if the telephone cooperative corporation were formed under this chapter after June 30, 2020.

(b) After June 30, 2020, a reference in a statute, rule, or other document to a telephone cooperative corporation formed under this chapter is considered a reference to a communications cooperative corporation formed under this chapter.

SECTION 7. IC 8-1-17-3, AS AMENDED BY P.L.49-2018, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 3. As used in this chapter, the following terms have the following meanings unless a different meaning clearly appears from the context:

(1) "Acquire" means to obtain by construction, purchase, lease, devise, gift, eminent domain, or by any other lawful means.

(2) "Board" means the board of directors of a cooperative corporation.

(3) "Communications facilities" includes all buildings, plants, works, structures, improvements, fixtures, apparatus, materials, supplies, machinery, tools, implements, poles, posts, crossarms, conduits, ducts, underground or overhead lines, wires, cables, fibers, exchanges, switches, desks, testboards, frames, racks, motors, generators, batteries, and other items of central office equipment, paystations, protectors, instruments, connections, and appliances, office furniture and equipment, work equipment, and all other property used in connection with the provision of communications services.

(4) "Communications service":

(A) has the meaning set forth in IC 8-1-32.5-3; and

(B) includes all facilities or systems used in the rendition of the service.

~~(3)~~ **(5)** "Cooperative corporation" means a corporation formed under this chapter.

~~(4)~~ **(6)** "Facilities based local exchange carrier" has the meaning set forth in IC 8-1-32.4-5.

~~(5)~~ **(7)** "General cooperative corporation" means a cooperative corporation formed to render services to local cooperative corporations.

~~(6)~~ **(8)** "Improve" includes construct, reconstruct, extend, enlarge, alter, better, or repair.

~~(7)~~ **(9)** "Local cooperative corporation" means a cooperative corporation formed to render ~~telephone~~ **communications** services within Indiana.

(10) "Local exchange service" has the meaning set forth in IC 8-1-32.4-8.

~~(8)~~ **(11)** "Member" includes each individual signing the articles of incorporation of a cooperative corporation and each person admitted to membership of the cooperative corporation under law and the corporation's bylaws.

~~(9)~~ **(12)** "Obligations" includes negotiable bonds, notes, debentures, interim certificates or receipts, and other evidences of indebtedness, either issued or the payment of which is assumed by a cooperative corporation.

~~(10)~~ **(13)** "Person" or "inhabitant" includes an individual, a firm, an association, a corporation, a limited liability company, a business trust, and a partnership.

~~(11)~~ **(14)** "Service" or "services", when not accompanied by the word ~~"telephone",~~ **"communications",** means construction, engineering, financial, accounting, or educational services incidental to ~~telephone~~ **communications** service.

~~(12)~~ **(15)** "System" includes any plant, works, system, facilities, or properties, together with all parts of and appurtenances to the plant, works, system, facilities, or properties, used or useful in ~~telephone~~ **communications** service.

~~(13) "Telephone facilities" includes all buildings, plants, works, structures, improvements, fixtures, apparatus, materials, supplies, machinery, tools, implements, poles, posts, crossarms, conduits, ducts, underground or overhead lines, wires, cables, exchanges, switches, desks, testboards, frames, racks, motors, generators, batteries, and other items of central office equipment, paystations, protectors, instruments, connections, and appliances, office furniture and equipment, work equipment, and all other property used in connection with the provision of telephone and other telecommunications services.~~

~~(14) "Telephone service" refers to telecommunications service (as defined in 47 U.S.C. 153) provided by a telephone cooperative corporation. The term includes all facilities or systems used in the rendition of the service.~~

SECTION 8. IC 8-1-17-5, AS AMENDED BY P.L.27-2006, SECTION 42, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 5. (a) The individuals executing the articles of incorporation of a local cooperative corporation shall be residents of the area in which the operations of the cooperative corporation are to be conducted and shall be persons desirous of using ~~telephone~~ **communications** service to be furnished by the cooperative corporation.

(b) The individuals executing the articles of incorporation of a general cooperative corporation shall be members or prospective members of one (1) or more local cooperative corporations which are prospective members of such general cooperative corporation.

(c) The articles shall be executed in at least six (6) originals and shall be acknowledged by the subscribers before an officer authorized by law to take acknowledgments of deeds. When so acknowledged, three (3) originals of said articles shall be submitted to the commission. At the time the articles of incorporation are filed, an application for a certificate of territorial authority under IC 8-1-32.5 shall be filed with the commission if the applicant will operate as a local cooperative corporation. The application shall be executed by one (1) or more of the individuals executing the articles and shall comply with the requirements of IC 8-1-32.5-6, as applicable.

(d) Upon the receipt of any articles of incorporation and application for a certificate of territorial authority, the commission shall conduct the review required under IC 8-1-32.5-8. If the applicant is a local cooperative corporation **and is applying for a certificate of territorial authority to provide local exchange service,** the commission shall give written notice, by United States registered mail, of the filing of the application to each facilities based local exchange carrier operating in territory contiguous to the area in which the cooperative corporation proposes to render ~~telephone~~ **communications** service. The commission shall use the record maintained by the commission under IC 8-1-32.5-13 to determine which facilities based local exchange carriers are entitled to notice under this subsection.

(e) If the commission, after conducting the review required by IC 8-1-32.5-8 and any hearing allowed under IC 8-1-32.5-9, determines that the applicant meets the requirements for the issuance of a certificate of territorial authority under IC 8-1-32.5-8, the commission shall:

(1) issue a certificate of territorial authority under IC 8-1-32.5; and

(2) enter an order approving the organization of the cooperative corporation and the proposed articles of incorporation.

(f) If the commission, after conducting the review required by IC 8-1-32.5-8 and any hearing allowed under IC 8-1-32.5-9, determines that the applicant does not meet the requirements for the issuance of a certificate of territorial authority under IC 8-1-32.5-8, the commission shall:

(1) request the applicant to provide additional information; or

(2) notify the applicant of the applicant's right to:

(A) appeal the commission's determination under IC 8-1-3; or

(B) file another application at a later date, without prejudice;

under IC 8-1-32.5-8.

(g) If the commission approves the articles of incorporation under subsection (e), the cooperative corporation shall submit the following documents, along with two (2) copies of each, to the secretary of state for filing:

(1) One (1) of the original articles of incorporation executed by the corporation under subsection (c).

(2) A certified copy of the order of the commission under subsection (e)(2).

(3) A certified copy of the certificate of territorial authority issued by the commission under subsection (e)(1).

If the secretary of state determines that the documents described in subdivisions (1) through (3) comply with law, the secretary of state shall endorse the documents and file one (1) set of the documents in the secretary of state's office and deliver the other two (2) sets, endorsed with the secretary of state's approval, to the incorporators. The incorporators shall record one (1) of the approved original or certified copies of the documents in the office of the recorder of the county in which the cooperative corporation has, or will have, its principal office.

(h) As soon as the provisions of this section have been complied with, the proposed cooperative corporation, described in the articles of incorporation recorded under subsection (g), under its designated name, is a body corporate.

SECTION 9. IC 8-1-17-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 10. (a) The corporate purpose of each local cooperative corporation shall be to render ~~telephone~~ **communications** service to its members and to such other persons in the specific instances as expressly provided in this chapter, and no person shall become or remain a member unless such person shall use ~~telephone~~ **communications** service supplied by such cooperative corporation and shall have complied with the terms and conditions in respect to membership contained in the bylaws of such cooperative corporation.

(b) A local cooperative corporation is one formed under this chapter for the purpose of furnishing ~~telephone~~ **communications** service to its patrons.

SECTION 10. IC 8-1-17-11, AS AMENDED BY P.L.136-2018, SECTION 74, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 11. Any cooperative corporation to be formed under this chapter shall be either a general cooperative corporation or a local cooperative corporation.

(a) A general cooperative corporation is one formed under this chapter for the purpose of furnishing engineering, financial accounting, or educational services to its members or to persons expecting to form a local cooperative corporation, and having for its members only its incorporators or local cooperative corporations. It shall not render ~~telephone~~ **communications** service and the commission shall not allocate to it any territory for such purpose.

(b) A general cooperative corporation may be formed to have as members, and serve, local cooperative corporations in all, or certain named, counties of this state, not including any county previously named as part of the territory to be served by another general cooperative corporation then organized and existing, unless such other general cooperative corporation duly consents in writing, filed with the commission, to such inclusion.

(c) A general cooperative corporation, before obtaining the approval of its articles of incorporation, must prove to the commission that it has written consent to its incorporation signed by or on behalf of:

(1) the local cooperative corporations then existing and contemplated to be members of the general cooperative corporation; and

(2) the incorporated agricultural association or associations, including in its or their members at least one-third (1/3) of the members residing in the territory in which the general cooperative proposes to operate and reasonably anticipated to become members of local cooperative corporations which will become members of such general cooperative corporation.

Such signatures of said local cooperative corporations and of such agricultural associations shall be made by their respective presidents or vice presidents, and secretaries or assistant secretaries, and shall be supported by certified copies of resolutions authorizing the same and duly adopted by their boards of directors, respectively.

SECTION 11. IC 8-1-17-13, AS AMENDED BY P.L.27-2006, SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

JULY 1, 2020]: Sec. 13. A cooperative corporation may do any and all acts or things necessary or convenient for carrying out the purpose for which it was formed, including the following:

(1) To sue and be sued.

(2) To have a seal and alter the same at pleasure.

(3) To acquire, hold, and dispose of property, real and personal, tangible and intangible, or any interest in the property and to pay in cash or credit, and to secure and procure payment of all or any part of the purchase price on the terms and conditions as the board shall determine.

(4) If it is a local cooperative corporation, to furnish, improve, and expand ~~telephone~~ **communications** service to its members, to governmental agencies and political subdivisions, and to other persons.

(5) If it is a local cooperative corporation, to construct, purchase, lease as lessee, or otherwise acquire, and to improve, expand, install, equip, maintain, and operate, and to sell, assign, convey, lease as lessor, mortgage, pledge, or otherwise dispose of or encumber ~~telephone~~ **communications** facilities or systems, lands, buildings, structures, plants and equipment, exchanges, and any other real or personal property, tangible or intangible which is necessary or appropriate to accomplish the purpose for which the local cooperative corporation is organized.

(6) To cease doing business and to dissolve and surrender its corporate franchise.

(7) If it is a local cooperative corporation, to construct, operate, and maintain its ~~telephone~~ **communications** facilities across or along any street or public highway, or over lands that are the property of this state or a political subdivision of the state. Before ~~telephone~~ **communications** facilities are constructed across or along a highway in the state highway system, the local cooperative corporation shall first obtain the permit of the Indiana department of transportation to do so, and the location and setting of the ~~telephone~~ **communications** facilities shall be approved by and subject to the supervision of the Indiana department of transportation. Before ~~telephone~~ **communications** facilities are constructed on or across land belonging to the state, the local cooperative corporation shall first obtain the permit of the

department of state having charge of the lands to do so, and the location and setting of the ~~telephone~~ **communications** facilities shall be approved by and subject to the supervision of the department. The ~~telephone~~ **communications** facilities shall be erected and maintained so as not to interfere with the use and maintenance of the streets, highways, and lands, and no pole or appliance shall be located so as to interfere with the ingress or egress from any premises on the street or highway. Nothing in this section contained shall deprive the body having charge of the street or highway of the right to require the relocation of any pole or appliance which may affect the proper use of the street or highway for public travel, for drainage, or for the repair, construction, or reconstruction of the street or highway. The local cooperative corporation shall restore the street, highway, or lands to their former condition or state as near as may be and shall not use the same in a manner to impair unnecessarily their usefulness or to injure the property of others.

(8) To accept gifts or grants of property, real or personal, from any person, municipality, or federal agency and to accept voluntary and uncompensated services.

(9) If it is a local cooperative corporation, to connect and interconnect its ~~telephone~~ **communications** facilities or systems with other ~~telephone~~ **communications** facilities or systems. A connection or interconnection shall be in a manner and according to specifications as will avoid interference with or hazards to existing ~~telephone~~ **communications** facilities or systems.

(10) To issue membership certificates.

(11) To borrow money and otherwise contract indebtedness, and to issue or guarantee notes, bonds, and other evidences of indebtedness and to secure the payment thereof by mortgage, pledge, or deed of trust of, or any other encumbrance upon, any or all of its then owned or after-acquired real or personal property, assets, franchises, or revenues.

(12) To make any and all contracts necessary or convenient for the full exercise of the powers in this chapter granted, including, without limiting the generality of the foregoing, contracts with any person, federal agency, municipality, or other corporation for the interconnection of ~~telephone~~ **communications** service; for the

management and conduct of the business of the cooperative corporation; and for the fixing of the rates, fees, or charges for service rendered or to be rendered by the local cooperative corporation.

(13) To levy and collect reasonable fees, rents, tolls, and other charges for ~~telephone~~ **communications** service rendered.

(14) If it is a local cooperative corporation, to exercise the right of eminent domain in the manner provided by law for the exercise thereof by communications service providers (as defined in IC 8-1-2.6-13(b)).

(15) To adopt, amend, and repeal bylaws.

(16) If it is a local cooperative corporation, to become a member of a general cooperative corporation and if it is a general cooperative corporation, to have local cooperative corporations as its members.

(17) To recover, after a period of two (2) years, any unclaimed stocks, dividends, capital credits, patronage refunds, utility deposits, membership fees, account balances, or book equities for which the owner cannot be found and are the result of distributable savings of the corporation returned to the members on a pro rata basis pursuant to section 20 of this chapter.

SECTION 12. IC 8-1-17-20, AS AMENDED BY P.L.27-2006, SECTION 48, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 20. (a) A local cooperative corporation shall be required to furnish reasonably adequate ~~telephone~~ **communications** services and facilities. The charge made by any local cooperative corporation for any service rendered or to be rendered, either directly or in connection with the service, shall be nondiscriminatory, reasonable, and just, and every discriminatory, unjust, or unreasonable charge for ~~telephone~~ **communications** service is prohibited and declared unlawful. Reasonable and just charges for ~~telephone~~ **communications** service within the meaning of this section are those charges that produce sufficient revenue to pay all legal and other necessary expense incident to the operation of the local cooperative corporation's system, including maintenance costs, operating charges, upkeep, repairs, interest charges on bonds or other obligations, to provide a sinking fund for the liquidation of bonds or other evidences of indebtedness, to provide adequate funds to be used as working

capital, as well as funds for making extensions and replacements, and also for the payment of any taxes that may be assessed against the cooperative corporation or its property. Charges described in this section must produce an income sufficient to maintain the local cooperative corporation's property in sound physical and financial condition to render adequate and efficient service. Any rate too low to meet the foregoing requirements is unlawful. Revenues and receipts not needed for the purposes described in this section, or not needed in reserves for those purposes, shall be returned to the patrons on a pro rata basis according to the amounts paid by them for ~~telephone~~ **communications** service. Amounts returned under this section shall be either in cash or in abatement of current charges for ~~telephone~~ **communications** service, as the board may decide.

(b) As used in subsection (d), "financial assistance" means:

(1) a loan or loan guarantee; or

(2) a lien accommodation provided to secure a loan made by another lender;

including loans made by the Rural Electrification Administration of the United States Department of Agriculture (REA) or by the Rural Telephone Bank.

(c) As used in subsections (d) and (e), "REA borrower" means a corporation created under this chapter that is the recipient of financial assistance.

(d) In determining rates under this section, an REA borrower must charge rates sufficient to enable the REA borrower to:

(1) satisfy its reasonable expenses and obligations; and

(2) repay the full amount of any financial assistance and the interest thereon.

(e) So long as there remains any unpaid portion of any financial assistance associated with the property of an REA borrower, the rates of the REA borrower shall be set at a level sufficient to repay the financial assistance, regardless of the full or partial retirement of the property or any other change in the status of the property.

SECTION 13. IC 8-1-17-23, AS AMENDED BY P.L.27-2006, SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 23. (a) A cooperative corporation may amend its articles of incorporation to change its corporate name, to increase or reduce the number of its directors, or to change any other provisions set

forth in the articles. However, any change of location of the principal office shall be effected in the manner set forth in section 24 of this chapter. An amendment under this section may be accomplished by filing articles of amendment, along with any notice of change required under IC 8-1-32.5-12, with the commission. The articles of amendment shall be entitled and endorsed "Articles of Amendment of _____" (the blank space being filled in with the name of the cooperative corporation) and must include the following:

(1) The name of the cooperative corporation, and if it has been changed, the name under which it was originally incorporated.

(2) The date of filing the articles of incorporation in each public office where filed.

(3) Whether the statement of counties within which the corporation's operations are to be conducted is to be changed, and if so a new statement of the counties in which the corporation will operate.

(4) An affidavit, signed by the officer executing the articles of amendment, stating that the provisions of this section were complied with.

(b) The amended articles shall be subscribed in the name of the cooperative corporation by the appropriate officers of the cooperative corporation, who shall make and annex an affidavit stating that they have been authorized to execute and file the amended articles by a resolution duly adopted at a meeting of the cooperative corporation duly called and held as provided in section 9 of this chapter. If by any amendment to the articles of incorporation, the territory proposed to be served by the cooperative corporation is to be increased or decreased, the appropriate officers of the cooperative corporation shall submit to the commission:

(1) an application for a new certificate of territorial authority under IC 8-1-32.5-6; or

(2) a notice of change under IC 8-1-32.5-12(7), as allowed by the commission.

(c) Upon receipt of an application or a notice of change under subsection (b), the commission shall conduct the review required under IC 8-1-32.5-8. If the applicant is a local cooperative corporation **and will provide local exchange service under the new certificate of territorial authority,** the commission shall give written notice of the

proposed change in the corporation's territory to each facilities based local exchange carrier operating in contiguous territory in the manner provided in section 5 of this chapter. If the commission, after conducting the review required by IC 8-1-32.5-8 and any hearing allowed under IC 8-1-32.5-9, determines that the amended articles and the application or notice of change under IC 8-1-32.5 are accurate, complete, and properly verified, the commission shall:

(1) issue a new or amended certificate under IC 8-1-32.5 that reflects the increase or decrease in the territory served by the corporation; and

(2) enter an order approving the amended articles of the cooperative corporation.

(d) If the commission, after conducting the review required by IC 8-1-32.5-8 and any hearing allowed under IC 8-1-32.5-9, determines that the amended articles or an application or notice of change under IC 8-1-32.5 ~~are~~ **is** inaccurate, incomplete, or not properly verified, the commission shall:

(1) request the corporation to provide additional information; or

(2) notify the corporation of the corporation's right to:

(A) appeal the commission's determination under IC 8-1-3; or

(B) file the amended articles or an application or notice of change under IC 8-1-32.5 at a later date, without prejudice;

under IC 8-1-32.5-8.

(e) An amendment increasing or decreasing the territory to be served by a cooperative corporation shall not be filed in the office of the secretary of state or of any county recorder unless there is attached to the amendment a certified copy of an order of the commission under subsection (c)(2). The amended articles shall be filed in the same places as the original articles of incorporation and upon filing the amendment shall be considered to have been effected.

SECTION 14. IC 8-1-17-25, AS AMENDED BY P.L.27-2006, SECTION 51, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 25. (a) Any cooperative corporation may dissolve by filing in the office of the secretary of state articles of dissolution entitled and endorsed "Articles of Dissolution of _____" (the blank space being filled in with the name of the cooperative corporation). The articles of dissolution shall state the following:

(1) The name of the cooperative corporation, and if the cooperative corporation is a corporation resulting from a consolidation as provided in this chapter, the names of the original cooperative corporations.

(2) The date of filing of the articles of incorporation in the office of secretary of state and, if the cooperative corporation is a corporation resulting from a consolidation as provided in this chapter, the dates on which the articles of incorporation of the original cooperative corporations were filed in the office of secretary of state.

(3) That the cooperative corporation elects to dissolve.

(4) The name and post office address of each of its directors, and the name, title, and post office address of each of its officers.

The articles shall be subscribed and acknowledged by the appropriate officers of the cooperative corporation who shall make and annex an affidavit stating that they have been authorized to execute and file the articles by a resolution duly adopted by the members of the cooperative corporation at a meeting duly called and held as provided in section 9 of this chapter. Articles of dissolution or a certified copy or copies of the articles shall be filed in the same places as original articles of incorporation. If the dissolving corporation is a local cooperative corporation, any certificate of territorial authority issued under IC 8-1-32.5 shall be relinquished, and the appropriate officers of the corporation shall notify the commission of the relinquishment under IC 8-1-32.5-12(5).

(b) Upon the filings required by subsection (a), the cooperative corporation is dissolved. However, the cooperative corporation shall continue for the purpose of paying, satisfying, and discharging any existing liabilities or obligations and collecting or liquidating its assets, and doing all other acts required to adjust and wind up its business affairs, and may sue and be sued in its corporate name. Any assets remaining after all liabilities and obligations of the cooperative corporation have been satisfied and discharged shall be refunded pro rata to the patrons, their assignees, personal representatives, heirs, or legatees, who have paid for ~~telephone~~ **communications** service rendered by the cooperative corporation within the five (5) year period immediately preceding the dissolution. Any assets not refunded within

the two (2) year period after the dissolution is completed shall pass to and become the property of the state.

SECTION 15. IC 8-1-17-26, AS AMENDED BY P.L.27-2006, SECTION 52, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 26. (a) Any foreign corporation organized as a nonprofit corporation for the purpose of making ~~telephone~~ **communications** service available to the inhabitants of rural areas may be admitted to do business in Indiana and shall have the same powers, restrictions, and liabilities as a cooperative corporation organized under this chapter. Whenever a foreign corporation desires to be admitted to operate in Indiana, it shall file with the commission an application for a certificate of territorial authority under IC 8-1-32.5. The appropriate officers of the corporation shall attach to the application a copy of the articles of incorporation of the foreign corporation, and all amendments to the articles, duly authenticated by the proper officer of the state in which the corporation is incorporated. Upon receipt of the application and the articles of incorporation, the commission shall conduct the review required under IC 8-1-32.5-8. **If the foreign corporation is applying for a certificate of territorial authority to provide local exchange service,** the commission shall give written notice of the filing of the application to each facilities based local exchange carrier operating in contiguous territory in the manner provided in section 5 of this chapter.

(b) If the commission, after conducting the review required by IC 8-1-32.5-8 and any hearing allowed under IC 8-1-32.5-9, determines that the foreign corporation meets the requirements for the issuance of a certificate of territorial authority under IC 8-1-32.5, the commission shall enter an order granting a certificate of territorial authority under IC 8-1-32.5 for the proposed operations of the foreign corporation in Indiana and shall attach a copy of the order, duly certified by the secretary of the commission, to each original application filed with the commission and deliver the applications and orders to the petitioner.

(c) If the commission, after conducting the review required by IC 8-1-32.5-8 and any hearing allowed under IC 8-1-32.5-9, determines that the foreign corporation does not meet the requirements for the issuance of a certificate of territorial authority under IC 8-1-32.5, the commission shall:

(1) request the foreign corporation to provide additional information; or

(2) notify the foreign corporation of the foreign corporation's right to:

(A) appeal the commission's determination under IC 8-1-3; or

(B) file another application at a later date, without prejudice;

under IC 8-1-32.5-8.

(d) If the commission issues a certificate of territorial authority under subsection (b), the foreign corporation shall present to the secretary of state all sets of authenticated copies of its articles of incorporation, the original applications under IC 8-1-32.5, and the order of the commission under subsection (b), together with any application for admission to do business in Indiana that the secretary of state may require, and shall tender to the secretary of state six dollars and fifty cents ($6.50) to cover the secretary of state's fees under this subsection. If the secretary of state approves the documents submitted, the secretary of state shall endorse the secretary of state's approval upon each of the documents, file one (1) copy in the secretary of state's office, return the remaining copies to the foreign corporation, and issue to the foreign corporation a certificate of admission to do business in Indiana. Before the foreign corporation may do any business in Indiana, it shall file in the office of the recorder of each county in Indiana in which it will make ~~telephone~~ **communications** service available one (1) set of the documents bearing the approval of the secretary of state under this subsection.

SECTION 16. IC 29-1-17-12, AS AMENDED BY P.L.2-2008, SECTION 69, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 12. (a) If after reasonable search, satisfactory to the court, there shall be no known heir of the decedent, all of ~~his~~ **the decedent's** net estate not disposed of by will shall be ordered paid to the state treasurer to become a part of the common school fund, subject to the further provisions of this section.

(b) If any heir, distributee, advisee, or claimant cannot be found after reasonable search, satisfactory to the court, the personal representative shall sell the share of the estate to which ~~he~~ **the heir, distributee, advisee, or claimant** is entitled, pursuant to an order of court first obtained, and pay the proceeds to the clerk of the court for

use and benefit of the person or persons thereafter determined to be entitled thereto according to law.

(c) When the personal representative shall pay any money to the state treasurer or clerk of the court pursuant to this section, ~~he~~ **the personal representative** shall take a receipt therefor and file it with the court with the other receipts filed in the proceeding. Such receipt shall be sufficient to discharge the personal representative in the same manner and to the same extent as though such distribution or payment were made to a distributee or claimant entitled thereto.

(d) The moneys received by the state treasurer pursuant to the provisions of this section shall be paid to the person entitled on proof of ~~his~~ **the person's** right thereto or in the case of an absentee, to the receiver of such absentee's property, or, if the state treasurer refuses or fails to pay because ~~he~~ **the state treasurer** is doubtful as to ~~his~~ **the state treasurer's** duties in the premises, such person may apply to the court in which the estate was administered, whereupon the court upon notice to the state treasurer may determine the person entitled thereto and order the treasurer to pay the same accordingly. No interest shall be allowed thereon and such distributee or claimant shall pay all costs and expenses incident to the proceedings. If such proceeds are not paid or no application is made to the court within seven (7) years after such payment to the state treasurer, no recovery thereof shall be had.

(e) This section does not apply to stocks, dividends, capital credits, patronage refunds, utility deposits, membership fees, account balances, or book equities for which the owner cannot be found and that are the result of distributable savings of a rural electric membership corporation formed under IC 8-1-13, a rural ~~telephone~~ **communications** cooperative corporation formed under IC 8-1-17, or an agricultural cooperative association formed under IC 15-12-1.

SECTION 17. IC 30-4-3-37, AS ADDED BY P.L.6-2010, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 37. (a) If a beneficiary of a trust cannot be found after a reasonable search, the trustee may file a petition setting out the facts of the unsuccessful search. The court may order the trustee to sell the shares of the trust to which the beneficiary is entitled and to pay the proceeds to the clerk of the court. The clerk shall hold the proceeds for the use and benefit of the person or persons thereafter determined by law to be entitled to the proceeds.

(b) If a trustee pays any money to the clerk of the court under this section, the trustee shall file a receipt with the court. Filing the receipt is sufficient to discharge the trustee in the same manner and to the same extent as though the trustee had paid or distributed the appropriate share of the trust to the unlocated beneficiary.

(c) This section does not apply to stocks, dividends, capital credits, patronage, refunds, utility deposits, membership fees, account balances, or book equities for which the owner cannot be found that are the result of distributable savings of a rural electric membership corporation formed under IC 8-1-13, a rural ~~telephone~~ **communications** cooperative corporation formed under IC 8-1-17, or an agricultural cooperative association formed under IC 15-12-1.

SECTION 18. IC 32-28-3-1, AS AMENDED BY P.L.146-2008, SECTION 674, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1. (a) A contractor, a subcontractor, a mechanic, a lessor leasing construction and other equipment and tools, whether or not an operator is also provided by the lessor, a journeyman, a laborer, or any other person performing labor or furnishing materials or machinery, including the leasing of equipment or tools, for:

(1) the erection, alteration, repair, or removal of:

(A) a house, mill, manufactory, or other building; or

(B) a bridge, reservoir, system of waterworks, or other structure;

(2) the construction, alteration, repair, or removal of a walk or sidewalk located on the land or bordering the land, a stile, a well, a drain, a drainage ditch, a sewer, or a cistern; or

(3) any other earth moving operation;

may have a lien as set forth in this section.

(b) A person described in subsection (a) may have a lien separately or jointly:

(1) upon the house, mill, manufactory, or other building, bridge, reservoir, system of waterworks, or other structure, sidewalk, walk, stile, well, drain, drainage ditch, sewer, cistern, or earth:

(A) that the person erected, altered, repaired, moved, or removed; or

(B) for which the person furnished materials or machinery of any description; and

(2) on the interest of the owner of the lot or parcel of land:

(A) on which the structure or improvement stands; or

(B) with which the structure or improvement is connected;

to the extent of the value of any labor done or the material furnished, or both, including any use of the leased equipment and tools.

(c) All claims for wages of mechanics and laborers employed in or about a shop, mill, wareroom, storeroom, manufactory or structure, bridge, reservoir, system of waterworks or other structure, sidewalk, walk, stile, well, drain, drainage ditch, cistern, or any other earth moving operation shall be a lien on all the:

(1) machinery;

(2) tools;

(3) stock;

(4) material; or

(5) finished or unfinished work;

located in or about the shop, mill, wareroom, storeroom, manufactory or other building, bridge, reservoir, system of waterworks, or other structure, sidewalk, walk, stile, well, drain, drainage ditch, sewer, cistern, or earth used in a business.

(d) If the person, firm, limited liability company, or corporation described in subsection (a) or (c) is in failing circumstances, the claims described in this section shall be preferred debts whether a claim or notice of lien has been filed.

(e) Subject to subsection (f), a contract:

(1) for the construction, alteration, or repair of a Class 2 structure (as defined in IC 22-12-1-5);

(2) for the construction, alteration, or repair of an improvement on the same real estate auxiliary to a Class 2 structure (as defined in IC 22-12-1-5);

(3) for the construction, alteration, or repair of property that is:

(A) owned, operated, managed, or controlled by a:

(i) public utility (as defined in IC 8-1-2-1);

(ii) municipally owned utility (as defined in IC 8-1-2-1);

(iii) joint agency (as defined in IC 8-1-2.2-2);

(iv) rural electric membership corporation formed under IC 8-1-13-4;

(v) rural ~~telephone~~ **communications** cooperative corporation formed under IC 8-1-17; or

(vi) not-for-profit utility (as defined in IC 8-1-2-125); regulated under IC 8; and

(B) intended to be used and useful for the production, transmission, delivery, or furnishing of heat, light, water, telecommunications services, or power to the public; or

(4) to prepare property for Class 2 residential construction;

may include a provision or stipulation in the contract of the owner and principal contractor that a lien may not attach to the real estate, building, structure or any other improvement of the owner.

(f) A contract containing a provision or stipulation described in subsection (e) must meet the requirements of this subsection to be valid against subcontractors, mechanics, journeymen, laborers, or persons performing labor upon or furnishing materials or machinery for the property or improvement of the owner. The contract must:

(1) be in writing;

(2) contain specific reference by legal description of the real estate to be improved;

(3) be acknowledged as provided in the case of deeds; and

(4) be filed and recorded in the recorder's office of the county in which the real estate, building, structure, or other improvement is situated not more than five (5) days after the date of execution of the contract.

A contract containing a provision or stipulation described in subsection (e) does not affect a lien for labor, material, or machinery supplied before the filing of the contract with the recorder.

(g) Upon the filing of a contract under subsection (f), the recorder shall:

(1) record the contract at length in the order of the time it was received in books provided by the recorder for that purpose;

(2) index the contract in the name of the:

(A) contractor; and

(B) owner;

in books kept for that purpose; and

(3) collect a fee for recording the contract as is provided for the recording of deeds and mortgages.

(h) A person, firm, partnership, limited liability company, or corporation that sells or furnishes on credit any material, labor, or machinery for the alteration or repair of an owner occupied single or

double family dwelling or the appurtenances or additions to the dwelling to:

(1) a contractor, subcontractor, mechanic; or

(2) anyone other than the occupying owner or the owner's legal representative;

must furnish to the occupying owner of the parcel of land where the material, labor, or machinery is delivered a written notice of the delivery or work and of the existence of lien rights not later than thirty (30) days after the date of first delivery or labor performed. The furnishing of the notice is a condition precedent to the right of acquiring a lien upon the lot or parcel of land or the improvement on the lot or parcel of land.

(i) A person, firm, partnership, limited liability company, or corporation that sells or furnishes on credit material, labor, or machinery for the original construction of a single or double family dwelling for the intended occupancy of the owner upon whose real estate the construction takes place to a contractor, subcontractor, mechanic, or anyone other than the owner or the owner's legal representatives must:

(1) furnish the owner of the real estate:

(A) as named in the latest entry in the transfer books described in IC 6-1.1-5-4 of the county auditor; or

(B) if IC 6-1.1-5-9 applies, as named in the transfer books of the township assessor (if any) or the county assessor;

with a written notice of the delivery or labor and the existence of lien rights not later than sixty (60) days after the date of the first delivery or labor performed; and

(2) file a copy of the written notice in the recorder's office of the county not later than sixty (60) days after the date of the first delivery or labor performed.

The furnishing and filing of the notice is a condition precedent to the right of acquiring a lien upon the real estate or upon the improvement constructed on the real estate.

(j) A lien for material or labor in original construction does not attach to real estate purchased by an innocent purchaser for value without notice of a single or double family dwelling for occupancy by the purchaser unless notice of intention to hold the lien is recorded

under section 3 of this chapter before recording the deed by which the purchaser takes title.

SECTION 19. IC 32-28-3-5, AS AMENDED BY P.L.35-2010, SECTION 207, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 5. (a) As used in this section, "lender" refers to:

(1) an individual;

(2) a supervised financial organization (as defined in IC 26-1-4-102.5);

(3) an insurance company or a pension fund; or

(4) any other entity that has the authority to make loans.

(b) The recorder shall record the statement and notice of intention to hold a lien when presented under section 3 of this chapter in the miscellaneous record book. The recorder shall charge a fee for recording the statement and notice in accordance with IC 36-2-7-10. When the statement and notice of intention to hold a lien is recorded, the lien is created. The recorded lien relates back to the date the mechanic or other person began to perform the labor or furnish the materials or machinery. Except as provided in subsections (c) and (d), a lien created under this chapter has priority over a lien created after it.

(c) The lien of a mechanic or materialman does not have priority over the lien of another mechanic or materialman.

(d) The mortgage of a lender has priority over all liens created under this chapter that are recorded after the date the mortgage was recorded, to the extent of the funds actually owed to the lender for the specific project to which the lien rights relate. This subsection does not apply to a lien that relates to a construction contract for the development, construction, alteration, or repair of the following:

(1) A Class 2 structure (as defined in IC 22-12-1-5).

(2) An improvement on the same real estate auxiliary to a Class 2 structure (as defined in IC 22-12-1-5).

(3) Property that is:

(A) owned, operated, managed, or controlled by:

(i) a public utility (as defined in IC 8-1-2-1);

(ii) a municipally owned utility (as defined in IC 8-1-2-1);

(iii) a joint agency (as defined in IC 8-1-2.2-2);

(iv) a rural electric membership corporation formed under IC 8-1-13-4;

(v) a rural ~~telephone~~ **communications** cooperative corporation formed under IC 8-1-17; or

(vi) a not-for-profit utility (as defined in IC 8-1-2-125);

regulated under IC 8; and

(B) intended to be used and useful for the production, transmission, delivery, or furnishing of heat, light, water, telecommunications services, or power to the public.

SECTION 20. IC 32-28-3-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 16. (a) This section applies to a construction contract for the construction, alteration, or repair of a building or structure other than:

(1) a Class 2 structure (as defined in IC 22-12-1-5) or an improvement on the same real estate auxiliary to a Class 2 structure (as defined in IC 22-12-1-5); or

(2) property that is:

(A) owned, operated, managed, or controlled by a public utility (as defined in IC 8-1-2-1), a municipally owned utility (as defined in IC 8-1-2-1), a joint agency (as defined in IC 8-1-2.2-2), a rural electric membership corporation formed under IC 8-1-13-4, rural ~~telephone~~ **communications** cooperative corporation formed under IC 8-1-17, or a not-for-profit utility (as defined in IC 8-1-2-125) regulated under IC 8; and

(B) intended to be used and useful for the production, transmission, delivery, or furnishing of heat, light, water, telecommunications services, or power to the public.

(b) A provision in a contract for the improvement of real estate in Indiana is void if the provision requires a person described in section 1 of this chapter who furnishes labor, materials, or machinery to waive a right to:

(1) a lien against real estate; or

(2) a claim against a payment bond;

before the person is paid for the labor or materials furnished.

(c) A provision in a contract for the improvement of real estate in Indiana under which one (1) or more persons agree not to file a notice of intention to hold a lien is void.

SECTION 21. IC 32-28-3-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 18. (a) This section

applies to a provider of labor, materials, or equipment under a contract for the improvement of real estate that conditions the right of the provider to receive payment on the obligor's receipt of payment from a third person with whom the provider does not have a contractual relationship.

(b) This section does not apply to a construction contract for the construction, alteration, or repair of the following:

(1) A Class 2 structure (as defined in IC 22-12-1-5).

(2) An improvement on the same real estate auxiliary to a Class 2 structure (as defined in IC 22-12-1-5).

(3) Property that is:

(A) owned, operated, managed, or controlled by a:

(i) public utility (as defined in IC 8-1-2-1);

(ii) municipally owned utility (as defined in IC 8-1-2-1);

(iii) joint agency (as defined in IC 8-1-2.2-2);

(iv) rural electric membership corporation formed under IC 8-1-13-4;

(v) rural ~~telephone~~ **communications** cooperative corporation formed under IC 8-1-17; or

(vi) not-for-profit utility (as defined in IC 8-1-2-125);

regulated under IC 8; and

(B) intended to be used and useful for the production, transmission, delivery, or furnishing of heat, light, water, telecommunications services, or power to the public.

(c) An obligor's receipt of payment from a third person may not:

(1) be a condition precedent to;

(2) limit; or

(3) be a defense to;

the provider's right to record or foreclose a lien against the real estate that was improved by the provider's labor, material, or equipment.

SECTION 22. IC 32-34-1-1, AS AMENDED BY P.L.2-2008, SECTION 70, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1. (a) This chapter does not apply to any property held, due, and owing in a foreign country and arising out of a foreign transaction.

(b) This chapter does not apply to:

(1) stocks;

(2) dividends;

(3) capital credits;
(4) patronage refunds;
(5) utility deposits;
(6) membership fees;
(7) account balances; or
(8) book equities;

for which the owner cannot be found and that are the result of distributable savings of a rural electric membership corporation formed under IC 8-1-13, a rural ~~telephone~~ **communications** cooperative corporation formed under IC 8-1-17, or an agricultural cooperative association formed under IC 15-12-1.

(c) This chapter does not apply to unclaimed overpayments of utility bills that become the property of a municipality under IC 36-9-23-28.5.

(d) This chapter does not apply to deposits required by a municipally owned utility (as defined in IC 8-1-2-1).

(e) This chapter does not apply to a business to business credit memorandum or a credit balance resulting from a business to business credit memorandum.

(f) This chapter does not apply to gift certificates or gift cards.

SECTION 23. IC 34-30-2-24.2, AS AMENDED BY P.L.86-2018, SECTION 240, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 24.2. (a) IC 8-1-2.8-25 (Concerning InTRAC or a local exchange company for the development, adoption, implementation, maintenance, or operation of dual party relay services or telecommunications devices).

(b) IC 8-1-17.5-16 (Concerning a member or director of a rural electric membership corporation or ~~telephone~~ **communications** cooperative corporation that is merged or consolidated).

(c) IC 8-1-19.5-10 (Concerning a recognized 211 service provider and its employees, directors, officers, and agents for injuries or loss to persons or property as a result of an act or omission in connection with developing and providing 211 services).

P.L.82-2020
[S.346. Approved March 18, 2020.]

AN ACT to amend the Indiana Code concerning education.

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

SECTION 1. IC 20-19-2-2.2, AS AMENDED BY THE TECHNICAL CORRECTIONS BILL OF THE 2020 GENERAL ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2.2. (a) Beginning June 1, 2015, the state board consists of the following members:

(1) The state superintendent.

(2) Eight (8) members appointed by the governor. The following provisions apply to members of the state board appointed under this subdivision:

(A) At least six (6) members appointed under this subdivision must have professional experience in the field of education as provided in subsection (b).

(B) Members shall be appointed from different parts of Indiana with not more than one (1) member being appointed from a particular congressional district.

(C) Not more than five (5) members of the state board may be appointed from the membership of any one (1) political party.

(D) Subject to subsection (h), at least one (1) member shall be a practicing licensed special education teacher or special education director at the time the member is appointed.

(3) One (1) member, who is not a member of the general assembly, appointed by the speaker of the house of representatives.

(4) One (1) member, who is not a member of the general assembly, appointed by the president pro tempore of the senate.

(b) For purposes of subsection (a), an individual is considered to have professional experience in the field of education if the individual has teaching or leadership experience at a postsecondary educational institution or is currently employed as, or is retired from a position as:

(1) a teacher;

(2) a principal;

(3) an assistant superintendent; or

(4) a superintendent.

(c) A quorum consists of six (6) members of the state board. An action of the state board is not official unless the action is authorized by at least six (6) members.

(d) ~~Subject to subsection (e),~~ The members of the state board shall elect a chairperson and vice chairperson annually from the members of the state board. The vice chairperson shall act as chairperson in the absence of the chairperson.

~~(e) Notwithstanding subsection (d), the state superintendent shall serve as the chairperson of the state board until a chairperson is elected under subsection (d) at the first meeting of the state board after December 31, 2016, which shall be held not later than January 15, 2017. A vice chairperson shall be elected at the first meeting of the state board after June 30, 2015, which shall be held not later than August 1, 2015. This subsection expires July 1, 2018.~~

~~(f)~~ **(e)** Except as otherwise provided in subsection ~~(g),~~ **(f),** each member appointed under subsection (a)(2) through (a)(4) serves a four (4) year term. The term begins on July 1.

~~(g)~~ **(f)** A member appointed under subsection (a)(2) through (a)(4) may be removed from the state board by the member's appointing authority for just cause. Vacancies in the appointments to the state board shall be filled by the appointing authority. A member appointed under this subsection serves for the remainder of the unexpired term.

~~(h)~~ **(g)** The state board shall meet at a minimum at least one (1) time each month. The state board shall establish the date of the next monthly meeting during the monthly meeting of the state board. In addition to the monthly meeting required under this subsection, the state board shall meet at the call of the chairperson.

(h) This subsection expires July 1, 2024. The governor shall appoint a member who has the qualifications described in

subsection (a)(2)(D) for the first appointment made by the governor to fill a vacancy on the state board after March 31, 2020.

SECTION 2. IC 20-19-9.1 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 9.1. Indiana Standards and Assessment Accommodation Task Force

Sec. 1. As used in this chapter, "task force" refers to the Indiana standards and assessment accommodation task force established by section 2 of this chapter.

Sec. 2. (a) The Indiana standards and assessment accommodation task force is established. The task force shall review:

(1) the accommodations provided for by Indiana's statewide assessment to determine if appropriate accommodations are available to accurately measure a student's learning; and

(2) Indiana's English and language arts academic standards to explore the possibility of separating the academic standard of reading comprehension into a separate reading academic standard and a comprehension academic standard.

On or before November 1, 2020, the task force shall issue a final report and shall make recommendations to the general assembly in an electronic format under IC 5-14-6.

(b) The task force consists of fourteen (14) members as follows:

(1) One (1) member of the majority party of the house of representatives appointed by the speaker of the house of representatives.

(2) One (1) member of the majority party of the senate appointed by the president pro tempore of the senate.

(3) One (1) member of the minority party of the house of representatives appointed by the speaker of the house of representatives in consultation with the minority floor leader of the house of representatives.

(4) One (1) member of the minority party of the senate appointed by the president pro tempore of the senate in consultation with the minority floor leader of the senate.

(5) The member of the state board described in IC 20-19-2-2.2(a)(3).

(6) The member of the state board described in IC 20-19-2-2.2(a)(4).

(7) One (1) member representing The Arc of Indiana appointed by The Arc of Indiana.

(8) One (1) member who is an assessment expert with experience in special education assessments appointed by The Arc of Indiana.

(9) One (1) member representing Decoding Dyslexia Indiana appointed by Decoding Dyslexia Indiana.

(10) One (1) member who is a special education administrator appointed by the Indiana Council of Administrators of Special Education (ICASE).

(11) One (1) member who is a special education teacher jointly appointed by the co-chairs of the task force.

(12) One (1) member who is an assessment expert appointed by the state board.

(13) The department's director of curriculum and instruction.

(14) One (1) member representing the department's office of student assessment appointed by the department.

(c) The members described in subsection (b)(1) and (b)(2) shall serve as co-chairpersons for the task force. The task force shall meet at the call of the co-chairpersons.

(d) A quorum consists of the majority of the members of the task force.

(e) The affirmative votes of a majority of the members of the task force are required for the task force to take action on any measure.

Sec. 3. (a) A member of the task force 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) A member of the task force 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) A member of the task force 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 current appropriations made to the legislative council or the legislative services agency.

Sec. 4. The legislative services agency shall staff the task force.

Sec. 5. This chapter expires July 1, 2021.

SECTION 3. IC 20-32-5.1-6, AS ADDED BY P.L.242-2017, SECTION 41, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 6. (a) The state board shall:

(1) authorize and oversee the department's development and implementation of the Indiana's Learning Evaluation Assessment Readiness Network (ILEARN) program, including:

(A) establishment of criteria for requests for proposals for statewide assessments developed or authorized under this chapter;

(B) establishment of criteria for membership of evaluation teams; and

(C) establishment of criteria for content and format of the statewide assessment; and

(2) require the department to conduct ongoing analysis of whether the statewide assessment results are predictive of success in college and career training programs.

(b) The passing scores on a statewide assessment must be determined by statistically valid and reliable methods as determined by independent experts selected by the state board.

(c) The state board, in consultation with The Arc of Indiana and Indiana Council of Administrators of Special Education (ICASE), shall select one (1) or more individuals who specialize in special education who shall, in turn, be consulted with by the state board as part of the state board's oversight of the development and

implementation of the Indiana's Learning Evaluation Assessment Readiness Network (ILEARN) program.

~~(c)~~ **(d)** The state superintendent, with the approval of the state board, is responsible for the development, implementation, and monitoring of the Indiana's Learning Evaluation Assessment Readiness Network (ILEARN) program.

~~(d)~~ **(e)** The department shall prepare detailed design specifications for the statewide assessment developed under this chapter that must do the following:

(1) Take into account the academic standards adopted under IC 20-31-3.

(2) Include testing of students' higher level cognitive thinking in each subject area tested.

~~(e)~~ **(f)** A statewide assessment described in section 7 of this chapter may be in a form that allows the department and the state board, to the extent possible, to compare the proficiency of Indiana students to the proficiency of students in other states. A statewide assessment may consist of original test items for Indiana's exclusive use if the state board determines that:

(1) developing original test items for Indiana's exclusive use will result in cost savings; or

(2) it would be impractical to develop a statewide assessment adequately aligned to Indiana's academic standards without including original test items developed for Indiana's exclusive use.

SECTION 4. IC 20-32-5.1-18.4 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 18.4. Notwithstanding any other law, a student's score on the statewide assessment may not be the primary factor or measure used to determine whether a student is eligible for a particular course or program.**

SECTION 5. IC 20-32-5.1-18.5, AS ADDED BY P.L.287-2019, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 18.5. (a) The department shall, ~~make every reasonable attempt~~ to **the extent permitted under federal law,** provide the same ~~voice-to-text,~~ **text-to-speech,** screen reader, or human reader **and calculator** accommodations to a ~~particular~~ student **in**

grades 6 through 12 on every section of the statewide assessment program ~~as~~ **if that accommodation is** provided as part of the student's:

(1) individualized education program;

(2) service plan developed under 511 IAC 7-34; ~~or~~

(3) choice ~~scholarship~~ **special** education plan developed under 511 IAC 7-49; **or**

(4) plan developed under Section 504 of the federal Rehabilitation Act of 1973, 29 U.S.C. 794.

(b) The department must submit any guidance or recommendations the department plans to distribute to a school corporation or school that attempts to affect in any manner based on statewide assessment accommodations which instructional methods are included or excluded from a program or plan described in subsection (a) to the state board for approval.

~~(b)~~ **(c)** This subsection expires January 1, 2020. The state board shall provide a report to the legislative council in an electronic format under IC 5-14-6, explaining in detail the extent that:

(1) individualized education programs;

(2) service plans developed under 511 IAC 7-34; or

(3) choice ~~scholarship~~ **special** education plans developed under 511 IAC 7-49;

were altered to align to the statewide assessment program.

SECTION 6. IC 20-32-5.1-18.8 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 18.8. (a) As used in this section, "school" means the following:**

(1) A school maintained by a school corporation.

(2) A charter school.

(3) An accredited nonpublic school.

(b) The department, in consultation with The Arc of Indiana and the Indiana Council of Administrators of Special Education (ICASE), shall develop a notice for a parent of a student who:

(1) is enrolled in grade 3, 4, or 5; and

(2) has an accommodation that:

(A) is provided as part of the student's:

(i) individualized education program;

(ii) service plan developed under 511 IAC 7-34;

(iii) choice special education plan developed under 511 IAC 7-49; or

(iv) plan developed under Section 504 of the federal Rehabilitation Act of 1973, 29 U.S.C. 794; and

(B) the student is not allowed to use on all or part of the statewide assessment.

(c) The notice developed under subsection (b) must inform the parent of a student described in subsection (b) that the student is not allowed to use the accommodation described in subsection (b)(2) on all or part of the statewide assessment.

(d) The department shall distribute a copy of the notice to each school.

(e) Not later than February 1, 2021, and not later than February 1, 2022, each school shall do the following:

(1) Provide the notice developed under subsection (b) to a parent of a student described in subsection (b) at the annual review of the student's:

(A) individualized education program;

(B) service plan developed under 511 IAC 7-34;

(C) choice special education plan developed under 511 IAC 7-49; or

(D) plan developed under Section 504 of the federal Rehabilitation Act of 1973, 29 U.S.C. 794.

If a parent does not attend the annual review, the school shall provide a copy of the notice to the parent by certified mail or personal delivery.

(2) Discuss and determine, at the annual review described in subdivision (1) in which a parent of the student participates, whether the student may be eligible to opt out of any applicable section of the statewide assessment.

(f) This section expires July 1, 2022.

SECTION 7. **An emergency is declared for this act.**

P.L.83-2020
[S.350. Approved March 18, 2020.]

AN ACT to amend the Indiana Code concerning local government.

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

SECTION 1. IC 36-7-7.7 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 7.7. Indianapolis Metropolitan Planning Organization

Sec. 1. This chapter applies to an eligible political subdivision located within the metropolitan planning area of the MPO.

Sec. 2. The following definitions apply throughout this chapter:

(1) "Eligible political subdivision" means any of the following:

(A) A county.

(B) A municipality.

(C) An urban mass transportation system (as described in IC 36-9-4).

(2) "Metropolitan planning area" of the MPO means the aggregate geographic territory of the following political subdivisions:

(A) A county having a population of more than seven hundred thousand (700,000).

(B) All eligible political subdivisions in a county having a population of more than seven hundred thousand (700,000).

(C) All counties immediately adjacent to a county having a population of more than seven hundred thousand (700,000).

(D) All eligible political subdivisions in a county immediately adjacent to a county having a population of more than seven hundred thousand (700,000).

(3) "MPO" means the Indianapolis metropolitan planning organization established by section 3 of this chapter.

Sec. 3. The Indianapolis metropolitan planning organization is established.

Sec. 4. (a) An eligible political subdivision that:

(1) is not a member of the MPO; and

(2) is in a county adjacent to a county that:

(A) is a member of the MPO; or

(B) contains a member of the MPO;

may join the MPO under this chapter.

(b) An eligible political subdivision described in subsection (a) may join the MPO under this chapter only if:

(1) the governing body of the eligible political subdivision adopts a resolution authorizing the eligible political subdivision to become a member of the MPO; and

(2) the MPO adopts a resolution authorizing the eligible political subdivision to become a member of the MPO.

(c) An eligible political subdivision becomes a member of the MPO upon the passage of a resolution under subsection (b)(2) authorizing the eligible political subdivision to become a member of the MPO.

(d) The MPO shall notify the governor's office promptly in writing when a new member joins the MPO.

Sec. 5. The purpose of the MPO is to institute and maintain a comprehensive planning and programming process for transportation policy and to assist the central Indiana regional development authority in carrying out its duties under IC 36-7.7. The MPO shall coordinate its activities with all member units in the counties and the member units of the central Indiana regional development authority and shall coordinate and assist the planning programs of member units, the central Indiana regional development authority, and the state that relate to its purposes.

Sec. 6. (a) This section applies to any eligible political subdivision authorized to join the MPO under section 4 of this chapter.

(b) An eligible political subdivision described in subsection (a) may withdraw from the MPO without the approval of the MPO. However, the withdrawal of a county does not affect the

membership of eligible political subdivisions within that county that are already members of the MPO. The MPO shall provide a process for withdrawal from the MPO in the MPO's bylaws.

(c) The MPO shall notify the governor's office promptly in writing when a member withdraws from the MPO.

Sec. 7. (a) Each eligible political subdivision described in section 2 of this chapter and each eligible political subdivision that joins the MPO under section 4 of this chapter is considered a member of the MPO.

(b) The highest ranking elected official, executive director, or board president of each MPO member shall serve on the MPO policy board.

(c) A member of the MPO policy board described in subsection (b) may appoint a proxy of record to serve in the member's place as a member of the MPO policy board. The proxy of record has the same authority to act and vote on all matters as does the member.

Sec. 8. The MPO may adopt bylaws and rules for the transaction of business and shall keep a record of its resolutions, transactions, findings, and determinations. The MPO's record is a public record.

Sec. 9. The MPO may perform any function or duty necessary to carry out the purposes authorized by 23 CFR 450.300 through 23 CFR 450.340 or in support of the purposes of the central Indiana regional development authority authorized by IC 36-7.7.

Sec. 10. After review and recommendation by the executive board, the MPO may appoint an executive director, who serves at the pleasure of the MPO.

Sec. 11. Before October 1, 2021, the MPO shall do the following:

(1) Develop a comprehensive asset management report, in collaboration with the Indiana department of transportation centralized electronic statewide asset management data base developed under IC 8-14-3-3, which analyzes and compiles the transportation asset management plans of each eligible political subdivision that is a member of the MPO.

(2) Present the comprehensive asset management report described in subdivision (1) to:

(A) the city-county council of the consolidated city;

(B) the fiscal and legislative bodies of each entity that is a member of the MPO; and

(C) the budget committee.

SECTION 2. IC 36-7.7 IS ADDED TO THE INDIANA CODE AS A **NEW** ARTICLE TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

ARTICLE 7.7. CENTRAL INDIANA REGIONAL DEVELOPMENT AUTHORITY

Chapter 1. Applicability

Sec. 1. This article applies only to eligible political subdivisions described in IC 36-7.7-2-7 that are located in the Indianapolis-Carmel-Anderson Metropolitan Statistical Area as defined by the United States Census Bureau.

Sec. 2. This article expires July 1, 2025.

Chapter 2. Definitions

Sec. 1. Except as otherwise provided, the definitions in this chapter apply throughout this article.

Sec. 2. "Airport authority" refers to an airport authority established under IC 8-22-3.

Sec. 3. "Commuter transportation district" refers to a commuter transportation district established under IC 8-5-15.

Sec. 4. "Comprehensive development plan" refers to a comprehensive strategic economic development plan prepared under IC 36-7.7-3-4.

Sec. 5. "Development authority" refers to the central Indiana regional development authority established under IC 36-7.7-3-1.

Sec. 6. "Economic development project" means an economic development project described in IC 6-3.6-2-8.

Sec. 7. "Eligible political subdivision" means any of the following:

(1) A county.

(2) A municipality.

(3) An airport authority.

(4) A commuter transportation district.

(5) A regional transportation authority.

(6) A public transportation corporation under IC 36-9-4.

Sec. 8. "Strategy committee" refers to the strategy committee composed of members selected according to the terms of the preliminary development plan.

Sec. 9. "Preliminary development plan" means a preliminary strategic economic development plan prepared under IC 36-7.7-3-3.

Sec. 10. "Regional transportation authority" means a regional transportation authority established under IC 36-9-3.

Chapter 3. Development Authority and Board

Sec. 1. (a) In order to establish a development authority under this article, the fiscal bodies of a combination of any two (2) or more counties or municipalities described in subsection (b) must adopt substantially similar resolutions to adopt a preliminary development plan prepared under section 3 of this chapter for the development authority.

(b) A development authority may be established by any of the following:

(1) One (1) or more counties and one (1) or more adjacent counties.

(2) One (1) or more counties and one (1) or more municipalities in adjacent counties.

(3) One (1) or more municipalities and one (1) or more municipalities in adjacent counties.

(c) If a development authority is established under subsection (a), the development authority shall promptly notify the Indiana economic development corporation of the establishment of the development authority by submitting a copy of the preliminary development plan to the Indiana economic development corporation.

(d) When a county establishes a development authority under subsection (a) with another unit, any municipality in the county does not also become a member of the development authority, unless the fiscal body of the municipality also adopts the preliminary development plan prepared under section 3 of this chapter for the development authority.

(e) A county or municipality may become a member of the development authority under this section only if the county or municipality is not a member of a development authority under

IC 36-7.6. If a county or municipality is a member of another development authority established under IC 36-7.6, the county or municipality must withdraw its membership in that development authority before the county's or municipality's adoption of a preliminary development plan under subsection (a). A county or municipality may be a member of only one (1) development authority.

(f) If not already members, Marion County and the city of Indianapolis are required to join the central Indiana regional development authority if sixty percent (60%) or more of the eligible political subdivisions located within the Indianapolis-Carmel-Anderson Metropolitan Statistical Area as defined by the United States Census Bureau become members of the central Indiana regional development authority. If Marion County and the city of Indianapolis are required to become members of the central Indiana regional development authority under this subsection, Marion County and the city of Indianapolis do not incur any financial obligation because of the fact they have become members of the central Indiana regional development authority. Marion County or the city of Indianapolis can incur a financial obligation in relation to the central Indiana regional development authority only by voluntarily entering into an agreement to undertake the financial obligation.

(g) Notwithstanding any other law, any of the following governmental units may immediately withdraw from the development authority to which they belong in order to join the central Indiana regional development authority:

(1) The city of Westfield.

(2) The city of Carmel.

(3) The city of Greenwood.

(4) Marion County.

Sec. 2. A development authority established under this chapter is a separate body corporate and politic that shall carry out the purposes of this article by:

(1) acquiring, constructing, equipping, owning, and financing projects and facilities to or for the benefit of eligible political subdivisions under this article; and

(2) funding and developing:

(A) airport authority projects;

(B) commuter transportation district and other rail projects and services;

(C) regional transportation authority projects and services;

(D) economic development projects;

(E) intermodal transportation projects;

(F) regional trail or greenway projects;

(G) regional transportation infrastructure projects under IC 36-9-43; and

(H) any other capital infrastructure project that enhances the region with the goal of attracting people or business;

that are of regional importance.

Sec. 3. Units that wish to establish a development authority under this chapter must prepare and adopt a preliminary strategic economic development plan that includes provisions and general information concerning the following:

(1) The participating members of the development authority.

(2) The membership of the strategy committee under section 5 of this chapter.

(3) A timeline for submitting the comprehensive development plan under section 4 of this chapter.

(4) A strategy for attracting (or any projected) investments, grants, matching funds, or local tax revenue.

Sec. 4. (a) A development authority established under this chapter shall prepare a comprehensive strategic economic development plan to serve as a roadmap to diversify and strengthen the regional economy, establish regional goals and objectives, develop and implement a regional action plan, identify ways to eliminate duplicative government services within the region, and identify investment priorities and funding sources.

(b) The comprehensive development plan must incorporate and comply with the requirements and content for comprehensive economic development strategies under 13 CFR 303.7 and be developed with broad based and diverse community participation, and may contain the following:

(1) An analysis of economic and community development problems and opportunities including incorporation of any

relevant material or suggestions from other government sponsored or supported plans.

(2) A background and history of the economic development situation of the region, with a discussion of the economy, including as appropriate, geography, population, labor force, resources, and the environment.

(3) A discussion of community participation in the planning efforts.

(4) Identification of particular strengths or assets that can be leveraged for economic benefit and goals and objectives for taking advantage of those strengths and assets to solve the economic development problems of the region.

(5) A plan of action, including suggested projects, to achieve the goals and objectives.

(6) Performance measures to be used to evaluate whether and to what extent goals and objectives have been or are being met.

(7) Strategies for:

(A) ensuring access to affordable health care;

(B) ensuring access to affordable child care;

(C) establishing workforce pipelines for those exiting recovery and reentry programs;

(D) recreation and entertainment;

(E) coordinating with local businesses to ensure the supply of high technology or high demand job apprenticeships;

(F) leveraging technology to improve delivery of government services;

(G) eliminating duplicative government services within the region;

(H) increasing the supply of affordable homes and other housing;

(I) building connectivity between the business community and local schools;

(J) incentivizing or attracting out-of-state residents and businesses to relocate to the region; and

(K) branding and marketing the region as a means to recruit and retain businesses and people.

(8) Data analyses of other workforce and quality of place measures including, without limitation, detailed information for the most recent three (3) year period for which data is available for the following:

(A) Workforce availability compared to job postings.

(B) Commercial and industrial electricity prices.

(C) Local road and infrastructure spending.

(D) Access to fixed broadband and mobile connectivity meeting Federal Communications Commission standards for businesses and residents.

(E) Total employment in firms that are zero (0) to five (5) years old.

(F) Net job creation in firms that are zero (0) to five (5) years old.

(G) Net job creation in firms that are more than five (5) years old.

(H) Venture capital invested.

(I) Summary of the region's health related metrics including the following:

(i) Adult smoking rate.

(ii) Adult obesity rate.

(iii) Drug related deaths.

(9) The proposed projects and programs to be undertaken or financed by the development authority.

(10) The following information for each project and program included under subdivision (9):

(A) Timeline and budget.

(B) The return on investment.

(C) The projected or expected need for an ongoing subsidy.

(D) Any projected or expected federal matching funds.

Sec. 5. (a) A development authority established under this chapter is governed by a strategy committee.

(b) A strategy committee is composed of members according to the terms of the preliminary development plan adopted by the fiscal bodies of development authority members under section 1 of this chapter.

(c) The removal of a member and the filling of a vacancy on the strategy committee shall be made according to the terms of the development authority preliminary development plan.

(d) Each member of a strategy committee, before entering upon the duties of office, must take and subscribe an oath of office under IC 5-4-1, which shall be endorsed upon the certificate of appointment and filed with the records of the investment board.

(e) A member of a strategy committee is not entitled to receive any compensation for performance of the member's duties.

Sec. 6. (a) In January of each year, a strategy committee shall hold an organizational meeting at which the strategy committee shall elect the following officers from the members of the strategy committee:

(1) A chair.

(2) A vice chair.

(3) A secretary-treasurer.

(b) The affirmative vote of at least a majority of the members of the strategy committee is necessary to elect an officer under subsection (a).

(c) An officer elected under subsection (a) serves from the date of the officer's election until the officer's successor is elected and qualified.

Sec. 7. (a) A strategy committee shall meet at least quarterly.

(b) The chair of a strategy committee or any two (2) members of a strategy committee may call a special meeting of the strategy committee.

(c) A majority of the appointed members of a strategy committee constitutes a quorum.

(d) The affirmative votes of at least a majority of the appointed members of a strategy committee are necessary to authorize any action of the strategy committee.

Sec. 8. A strategy committee shall adopt the bylaws and rules that the strategy committee considers necessary for the proper conduct of the strategy committee's duties and the safeguarding of the development authority's funds and property.

Sec. 9. (a) Only one (1) development authority may be established under this article. However, a county or municipality described in subsection (b) may join a development authority

established under section 1 of this chapter if the fiscal body of the county or municipality:

(1) adopts an ordinance authorizing the county or municipality to become a member of the development authority; and

(2) adopts a substantially similar resolution to adopt the preliminary development plan of the development authority as set forth under section 1 of this chapter.

A development authority shall notify the Indiana economic development corporation promptly in writing when a new member joins the development authority.

(b) The following counties or municipalities may join a development authority established under section 1 of this chapter:

(1) In the case of a county, a county that is adjacent to a county that:

(A) is a member of the development authority; or

(B) contains a member of the development authority.

(2) In the case of a municipality, a municipality that is located in a county that:

(A) is a member of the development authority;

(B) is adjacent to a county that is a member of the development authority; or

(C) is adjacent to a county containing a member of the development authority.

Sec. 10. A county or municipality that establishes or joins a development authority under this chapter shall be a member of the development authority for not less than five (5) years or until the expiration of this article.

Chapter 4. Compliance and Audit Requirements

Sec. 1. (a) A development authority shall comply with IC 5-22 (public purchasing), IC 36-1-12 (public work projects), and any applicable federal bidding statutes and regulations. An eligible political subdivision that receives a loan, a grant, or other financial assistance from a development authority or enters into a lease with a development authority must comply with applicable federal, state, and local public purchasing and bidding laws and regulations. However, a purchasing agency (as defined in IC 5-22-2-25) of an eligible political subdivision may:

(1) assign or sell a lease for property to a development authority; or

(2) enter into a lease for property with a development authority;

at any price and under any other terms and conditions as may be determined by the eligible political subdivision and the development authority. However, before making an assignment or a sale of a lease or entering into a lease under this section that would otherwise be subject to IC 5-22, the eligible political subdivision or its purchasing agent must obtain or cause to be obtained a purchase price for the property to be subject to the lease from the lowest responsible and responsive bidder in accordance with the requirements for the purchase of supplies under IC 5-22.

(b) In addition to the provisions of subsection (a), with respect to projects undertaken by a development authority, the development authority shall set a goal for participation by minority business enterprises and women's business enterprises. The goals must be consistent with:

(1) the participation goals established by the counties and municipalities that are members of the development authority; and

(2) the goals of delivering the project on time and within the budgeted amount and, insofar as possible, using Indiana businesses for employees, goods, and services.

Sec. 2. (a) The state board of accounts shall, pursuant to IC 5-11-1-7 and IC 5-11-1-24, allow each development authority to contract with a certified public accountant for an annual financial audit of the development authority. The certified public accountant may not have a significant financial interest in a project, facility, or service funded by or leased by or to any development authority. The certified public accountant selected by a development authority must be approved by the state examiner and is subject to the direction of the state examiner while performing an annual financial audit under this article.

(b) The certified public accountant shall present an audit report not later than four (4) months after the end of each calendar year and shall make recommendations to improve the efficiency of

development authority operations. The certified public accountant shall also 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.

(c) A development authority shall pay the cost of the annual financial audit under subsection (a). In addition, the state board of accounts may at any time conduct an audit of any phase of the operations of a development authority. The development authority shall pay the cost of any audit by the state board of accounts.

(d) The state board of accounts may waive the requirement that a certified public accountant perform an annual financial audit of a development authority for a particular year if the development authority certifies to the state board of accounts that the development authority had no financial activity during that year.

Chapter 5. Development Authority Powers and Duties

Sec. 1. A development authority shall do the following:

(1) Assist in the coordination of local efforts concerning projects that are of regional importance.

(2) Assist a county, a municipality, a commuter transportation district, an airport authority, and a regional transportation authority in coordinating regional transportation and economic development efforts.

(3) Fund projects that are of regional importance, as provided in this article.

Sec. 2. (a) A development authority may do any of the following:

(1) Finance, improve, construct, reconstruct, renovate, purchase, acquire, and equip land and projects that are of regional importance.

(2) Finance and construct additional improvements to projects or other capital improvements owned by the development authority.

(3) Construct or reconstruct highways, roads, and bridges.

(4) Acquire land or all or a part of one (1) or more projects from an eligible political subdivision by purchase.

(5) Acquire all or a part of one (1) or more projects from an eligible political subdivision by purchase to fund or refund indebtedness incurred on account of the projects to enable the eligible political subdivision to make a savings in debt service

obligations or lease rental obligations or to obtain relief from covenants that the eligible political subdivision considers to be unduly burdensome.

(6) Make grants or provide other financial assistance to or on behalf of the following:

(A) A commuter transportation district.

(B) An airport authority.

(C) A regional transportation authority. A loan, a loan guarantee, a grant, or other financial assistance under this clause may be used by a regional transportation authority for acquiring, improving, operating, maintaining, financing, and supporting the following:

(i) Bus services (including fixed route services and flexible or demand-responsive services) that are a component of a public transportation system.

(ii) Bus terminals, stations, or facilities or other regional bus authority projects.

(D) A county.

(E) A municipality.

(7) Provide funding to assist a railroad that is providing commuter transportation services in a county containing territory included in the development authority.

(8) Provide funding to assist an airport authority located in a county containing territory included in the development authority in the construction, reconstruction, renovation, purchase, lease, acquisition, and equipping of an airport facility or airport project.

(9) Provide funding for intermodal transportation projects and facilities.

(10) Provide funding for regional trails and greenways.

(11) Provide funding for economic development projects.

(12) Provide funding for regional transportation infrastructure projects under IC 36-9-43.

(13) Hold, use, lease, rent, purchase, acquire, and dispose of by purchase, exchange, gift, bequest, grant, condemnation, lease, or sublease, on the terms and conditions determined by the development authority, any real or personal property.

(14) After giving notice, enter upon any lots or lands for the purpose of surveying or examining them to determine the location of a project.

(15) Make or enter into all contracts and agreements necessary or incidental to the performance of the development authority's duties and the execution of the development authority's powers under this article.

(16) Sue, be sued, plead, and be impleaded.

(17) Design, order, contract for, construct, reconstruct, and renovate a project or improvements to a project.

(18) Appoint an executive director and employ appraisers, real estate experts, engineers, architects, surveyors, attorneys, accountants, auditors, clerks, construction managers, and any consultants or employees who are necessary or desired by the development authority in exercising its powers or carrying out its duties under this article.

(19) Accept loans, grants, and other forms of financial assistance from the federal government, the state government, a political subdivision, or any other public or private source.

(20) Use the development authority's funds to match federal grants or make loans, loan guarantees, or grants to carry out the development authority's powers and duties under this article.

(21) Except as prohibited by law, take any action necessary to carry out this article.

(b) Projects funded by a development authority must be of regional importance.

Sec. 3. A development authority may enter into an agreement with another development authority or any other entity to:

(1) jointly equip, own, lease, and finance projects and facilities; or

(2) otherwise carry out the purposes of the development authority;

in any location.

Sec. 4. A development authority shall, before April 1 of each year, issue a report to the legislative council, the budget committee, the Indiana economic development corporation, and the executive, fiscal body, and legislative body of each member of the

development authority concerning the operations and activities of the development authority during the preceding calendar year. The report to the legislative council must be in an electronic format under IC 5-14-6.

Chapter 6. Regional Strategy Fund

Sec. 1. (a) A strategy committee shall establish and administer a regional strategy fund.

(b) A regional strategy fund consists of the following:

(1) Any payments required under an interlocal agreement for a project that specifically states:

(A) the amount for which each member is responsible; and

(B) the term of the agreement.

The transfers allowed by this subdivision may be made from any local revenue of the county or municipality, including property tax revenue, distributions, incentive payments, money deposited in the county's or municipality's local major moves construction fund under IC 8-14-16, money received by the county or municipality under a development agreement (as defined by IC 36-1-8-9.5), or any other local revenue that is not otherwise restricted by law or committed for the payment of other obligations.

(2) Money received from the federal government.

(3) Gifts, contributions, donations, and private grants made to the fund.

(4) Money transferred to the development authority under an interlocal agreement.

Sec. 2. A development authority and an eligible political subdivision may enter into common wall (party wall) agreements or other agreements concerning easements or licenses. These agreements shall be recorded with the recorder of the county in which the project is located.

Sec. 3. (a) All:

(1) property owned by a development authority; and

(2) revenue of a development authority;

are exempt from taxation in Indiana for all purposes except the financial institutions tax imposed under IC 6-5.5.

(b) All securities issued under this chapter are exempt from the registration requirements of IC 23-19 and other securities registration statutes.

SECTION 3. **An emergency is declared for this act.**

P.L.84-2020
[S.383. Approved March 18, 2020.]

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

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

SECTION 1. IC 4-13-16.5-4.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 4.5. Notwithstanding any other reporting requirement under this chapter, each state educational institution shall annually submit to the budget committee the report required by the commission under this chapter not later than December 1 after the close of each state fiscal year regarding the state educational institution's progress in achieving the goals established under section 2 of this chapter for the use of minority business enterprises, women's business enterprises, and veteran owned small businesses as contractors. The budget committee shall review the report.**

P.L.85-2020
[S.395. Approved March 18, 2020.]

AN ACT to amend the Indiana Code concerning trade regulation.

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

SECTION 1. IC 24-4.5-1-106, AS AMENDED BY P.L.140-2013, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 106. (1) The dollar amounts in this article designated as subject to change shall change, as provided in this section, according to the Consumer Price Index for Urban Wage Earners and Clerical Workers: U.S. City Average, All Items, 1957-59 equals 100, compiled by Bureau of Labor Statistics, United States Department of Labor, and referred to in this section as the Index. The Index for October, 1971, is the Reference Base Index.

(2) The dollar amounts shall change on ~~July 1~~ **January 1** of each ~~even-numbered~~ **odd-numbered** year if the percentage of change, calculated to the nearest whole percentage point, between the Index at the end of the preceding **odd-numbered** year and the Reference Base Index is ten percent (10%) or more, except that:

(a) the portion of the percentage change in the Index in excess of a multiple of ten percent (10%) shall be disregarded and the dollar amounts shall change only in multiples of ten percent (10%) of the amounts on March 5, 1971;

(b) the dollar amounts shall not change if the amounts required by this section are those currently in effect pursuant to this article as a result of earlier application of the section; and

(c) in no event shall the dollar amounts be reduced below the amounts appearing in this article on March 5, 1971.

(3) If the Index is revised after December 1967, the percentage of change shall be calculated on the basis of the revised Index. If the revision of the Index changes the Reference Base Index, a revised Reference Base Index shall be determined by multiplying the

Reference Base Index by the ratio of the revised Index to the current Index, as each was for the first month in which the revised Index is available. If the Index is superseded, the Index is the one represented by the Bureau of Labor Statistics as reflecting most accurately changes in the purchasing power of the dollar for consumers.

(4) The department shall issue an emergency rule under IC 4-22-2-37.1 announcing:

(a) ~~on or~~ **sixty (60) days** before ~~April 30~~ **January 1** of each **odd-numbered** year in which dollar amounts are to change, the changes in dollar amounts required by subsection (2); and

(b) promptly after the changes occur, changes in the Index required by subsection (3), including, when applicable, the numerical equivalent of the Reference Base Index under a revised Reference Base Index and the designation or title of any index superseding the Index.

An emergency rule adopted under this subsection expires on the date the department is next required to issue a rule under this subsection.

(5) A person does not violate this article through a transaction otherwise complying with this article if the person relies on dollar amounts either determined according to subsection (2) or appearing in the last rule of the department announcing the then current dollar amounts.

SECTION 2. IC 24-4.5-2-201, AS AMENDED BY P.L.91-2013, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 201. Credit Service Charge for Consumer Credit Sales ~~other than Revolving Charge Accounts~~ — (1) **Except as provided in subsections (8) and (11),** with respect to a consumer credit sale, ~~other than a sale pursuant to a revolving charge account,~~ a seller may contract for and receive a credit service charge not exceeding that permitted by this section.

(2) The credit service charge, calculated according to the actuarial method, may not exceed the equivalent of the greater of:

(a) the total of:

(i) thirty-six percent (36%) per year on that part of the unpaid balances of the amount financed **(as defined in section 111 of this chapter)** which is two thousand dollars ($2,000) or less;

(ii) twenty-one percent (21%) per year on that part of the unpaid balances of the amount financed **(as defined in section**

111 of this chapter) which is more than two thousand dollars ($2,000) but does not exceed four thousand dollars ($4,000); and

(iii) fifteen percent (15%) per year on that part of the unpaid balances of the amount financed **(as defined in section 111 of this chapter)** which is more than four thousand dollars ($4,000); or

(b) twenty-five percent (25%) per year on the unpaid balances of the amount financed **(as defined in section 111 of this chapter).**

(3) **In the case of a sale agreement entered into before July 1, 2020,** this section does not limit or restrict the manner of contracting for the credit service charge, whether by way of add-on, discount, or otherwise, so long as the rate of the credit service charge does not exceed that permitted by this section. If the sale is precomputed:

(a) the credit service charge may be calculated on the assumption that all scheduled payments will be made when due; and

(b) the effect of prepayment is governed by the provisions on rebate upon prepayment in section 210 of this chapter.

(4) The following apply to a sale agreement for a consumer credit sale (or for the refinancing or consolidation of a consumer credit sale) that is entered into after June 30, 2020:

(a) The credit service charge authorized by this section must be:

(i) contracted for between the seller and the debtor; and

(ii) calculated by applying a rate not exceeding the rate set forth in subsection (2) to unpaid balances of the amount financed (as defined in section 111 of this chapter).

(b) A sale agreement for a precomputed consumer credit sale is prohibited.

(c) Subject to subsection (13), in addition to the credit service charge authorized by subsection (2) and to any other fees permitted by this chapter, and not subject to the rate set forth in subsection (2), the seller may contract for and receive as a condition for, or an incident to, the extension of credit a nonrefundable prepaid finance charge under subsection (11), whether the charge is:

(i) paid separately in cash or by check before or at consummation; or

(ii) withheld from the proceeds of the consumer credit sale.

~~(4)~~ **(5)** For the purposes of this section, the term of a sale agreement commences with the date the credit is granted or, if goods are delivered or services performed more than thirty (30) days after that date, with the date of commencement of delivery or performance except as set forth below:

(a) Delays attributable to the customer. Where the customer requests delivery after the thirty (30) day period or where delivery occurs after the thirty (30) day period for a reason attributable to the customer (including but not limited to failure to close on a residence or failure to obtain lease approval), the term of the sale agreement shall commence with the date credit is granted.

(b) Partial Deliveries. Where any portion of the order has been delivered within the thirty (30) day period, the term of the sale agreement shall commence with the date credit is granted.

Differences in the lengths of months are disregarded and a day may be counted as one-thirtieth (1/30) of a month. Subject to classifications and differentiations the seller may reasonably establish, a part of a month in excess of fifteen (15) days may be treated as a full month if periods of fifteen (15) days or less are disregarded and that procedure is not consistently used to obtain a greater yield than would otherwise be permitted.

(6) With respect to a consumer credit sale made pursuant to a revolving charge account, the parties to the sale may contract for the payment by the buyer of a credit service charge not exceeding that permitted in this section, subject to the following:

(a) The credit service charge contracted for and received may not exceed a charge in each monthly billing cycle which is either two and eighty-three thousandths percent (2.083%) of an amount not greater than:

(i) the average daily balance of the account;

(ii) the unpaid balance of the account on the same day of the billing cycle; or

(iii) subject to subsection (7), the median amount within a specified range within which the average daily balance of the account or the unpaid balance of the account, on the same day of the billing cycle, is included.

For purposes of clauses (ii) and (iii), a variation of not more than four (4) days from month to month is "the same day of the billing cycle".

(b) If the billing cycle is not monthly, the maximum charge is that percentage which bears the same relation to the applicable monthly maximum percentage as the number of days in the billing cycle bears to thirty (30).

(c) Notwithstanding subdivision (a), if there is an unpaid balance on the date as of which the credit service charge is applied, the seller may contract for and receive a charge not exceeding fifty cents ($0.50) if the billing cycle is monthly or longer, or the pro rata part of fifty cents ($0.50) which bears the same relation to fifty cents ($0.50) as the number of days in the billing cycle bears to thirty (30) if the billing cycle is shorter than monthly. However, a seller may not contract for or receive a charge under this subdivision if the seller has made an annual charge for the same period as permitted by the provisions on additional charges in section 202(1)(e) of this chapter.

~~(5)~~ **(7)** Subject to classifications and differentiations the seller may reasonably establish, the seller may make the same credit service charge on all amounts financed within a specified range. A credit service charge so made does not violate subsection (2) if:

(a) when applied to the median amount within each range, it does not exceed the maximum permitted by subsection (2); and

(b) when applied to the lowest amount within each range, it does not produce a rate of credit service charge exceeding the rate calculated according to ~~paragraph~~ **subdivision** (a) by more than eight percent (8%) of the rate calculated according to ~~paragraph~~ **subdivision** (a).

~~(6)~~ **(8)** Notwithstanding subsection (2), **with respect to a consumer sale other than a sale under a revolving charge account,** the seller may contract for and receive a minimum credit service charge of not more than thirty dollars ($30). The minimum credit service charge allowed under this subsection may be imposed only if **the seller does not contract for or receive a nonrefundable prepaid finance charge under subsection (11) and:**

(a) the debtor prepays in full a consumer credit sale, refinancing, or consolidation, regardless of whether the sale, refinancing, or consolidation is precomputed;

(b) the sale, refinancing, or consolidation prepaid by the debtor is subject to a credit service charge that:

(i) is contracted for by the parties; and

(ii) does not exceed the rate prescribed in subsection (2); and

(c) the credit service charge earned at the time of prepayment is less than the minimum credit service charge contracted for under this subsection.

~~(7)~~ **(9)** The amounts of two thousand dollars ($2,000) and four thousand dollars ($4,000) in subsection (2) are subject to change pursuant to the provisions on adjustment of dollar amounts (IC 24-4.5-1-106). However, notwithstanding IC 24-4.5-1-106(1), the Reference Base Index to be used under this subsection is the Index for October 2012.

~~(8)~~ **(10)** The amount of thirty dollars ($30) in subsection ~~(6)~~ **(8)** is subject to change under the provisions on adjustment of dollar amounts (IC 24-4.5-1-106). However, notwithstanding IC 24-4.5-1-106(1), the Reference Base Index to be used under this subsection is the Index for October 1992.

(11) This subsection applies to a sale agreement entered into after June 30, 2020. Except as provided in subsection (8), and subject to subsection (13), in addition to the credit service charge authorized by subsection (2), and to any other fees permitted by this chapter, a seller may contract for and receive a nonrefundable prepaid finance charge in an amount which is not more than:

(a) seventy-five dollars ($75) for an amount financed (as defined in section 111 of this chapter) which is two thousand dollars ($2,000) or less;

(b) one hundred fifty dollars ($150) for an amount financed (as defined in section 111 of this chapter) which is more than two thousand dollars ($2,000) but does not exceed four thousand dollars ($4,000); and

(c) two hundred dollars ($200) for an amount financed (as defined in section 111 of this chapter) which is more than four thousand dollars ($4,000).

The nonrefundable prepaid finance charge is not subject to refund or rebate. However, any amount charged by the seller, other than by a seller that is a depository institution (as defined in IC 24-4.5-1-301.5(12)), under this subsection that exceeds the applicable amount permitted by this subsection constitutes a violation of this article under IC 24-4.5-6-107.5(l) and is subject to refund. Any amount charged by a depository institution (as defined in IC 24-4.5-1-301.5(12)) under this subsection that exceeds the applicable amount set forth in this subsection is subject to refund. The amounts in this subsection are not subject to change under IC 24-4.5-1-106.

(12) If the director determines that a seller's accrual method of accounting as applied to a consumer credit sale under this section involves the application of subterfuge for the purpose of circumventing this chapter, the director may conform the credit service charge and fees for the transaction to the limitations set forth in this section and may require a refund of overcharges under IC 24-4.5-6-106(2)(a). A determination by the director under this subsection:

(a) must be in writing;

(b) shall be delivered to all parties in the transaction; and

(c) is subject to IC 4-21.5-3.

(13) At the time of consummation of a consumer credit sale:

(a) the credit service charge authorized by subsection (2); and

(b) the nonrefundable prepaid finance charge authorized by subsection (11) (including any amount charged by a depository institution (as defined in IC 24-4.5-1-301.5(12)) that exceeds the applicable amount set forth in subsection (11)) in the case of a sale agreement entered into after June 30, 2020;

are subject to IC 35-45-7 and, when combined, may not exceed the rate set forth in IC 35-45-7-2.

SECTION 3. IC 24-4.5-2-204, AS AMENDED BY P.L.186-2015, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 204. Deferral Charges — (1) **This section applies only to a consumer credit sale, refinancing, or consolidation, that is entered into before July 1, 2020.** With respect to a precomputed consumer credit sale, refinancing, or consolidation, the parties before

or after default may agree in writing to a deferral of all or part of one (1) or more unpaid ~~instalments,~~ **installments,** and the seller may make and collect a charge not exceeding the lesser of thirty-six percent (36%) per year or the rate previously stated to the buyer pursuant to the provisions on disclosure (Part 3) applied to the amount or amounts deferred for the period of deferral calculated without regard to differences in lengths of months, but proportionately for a part of a month, counting each day as one-thirtieth (1/30) of a month. A deferral charge may be collected at the time it is assessed or at any time thereafter.

(2) The seller, in addition to the deferral charge, may make appropriate additional charges (IC 24-4.5-2-202), and the amount of these charges which is not paid in cash may be added to the amount deferred for the purpose of calculating the deferral charge.

(3) The parties may agree in writing at the time of a precomputed consumer credit sale, refinancing, or consolidation that if an ~~instalment~~ **installment** is not paid within ten (10) days after its due date, the seller may unilaterally grant a deferral and make charges as provided in this section. No deferral charge may be made for a period after the date that the seller elects to accelerate the maturity of the agreement.

(4) A delinquency charge made by the seller on an ~~instalment~~ **installment** may not be retained if a deferral charge is made pursuant to this section with respect to the period of delinquency.

SECTION 4. IC 24-4.5-2-205 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 205. Credit Service Charge on Refinancing — With respect to a consumer credit sale, refinancing, or consolidation, the seller may by agreement with the buyer refinance the unpaid balance and may contract for and receive a credit service charge based on the amount financed resulting from the refinancing at a rate not exceeding that permitted by the provisions on credit service charge for consumer credit sales (IC 24-4.5-2-201). For the purpose of determining the credit service charge permitted, the amount financed resulting from the refinancing comprises the following:

~~(1)~~ **(a)** If:

(i) the transaction was not precomputed, the total of the unpaid balance and accrued charges on the date of refinancing; or ~~if~~

(ii) the transaction was precomputed, **in the case of a transaction entered into before July 1, 2020,** the amount which the buyer would have been required to pay upon prepayment pursuant to the provisions on rebate upon prepayment (IC 24-4.5-2-210) on the date of refinancing.

~~(2)~~ **(b)** Appropriate additional charges (IC 24-4.5-2-202), payment of which is deferred.

SECTION 5. IC 24-4.5-2-207 IS REPEALED [EFFECTIVE JULY 1, 2020]. ~~Sec. 207. Credit Service Charge for Revolving Charge Accounts — (1) With respect to a consumer credit sale made pursuant to a revolving charge account, the parties to the sale may contract for the payment by the buyer of a credit service charge not exceeding that permitted in this section.~~

~~(2) A charge may be made in each billing cycle which is a percentage of an amount no greater than:~~

~~(a) the average daily balance of the account,~~

~~(b) the unpaid balance of the account on the same day of the billing cycle, or~~

~~(c) the median amount within a specified range within which the average daily balance of the account or the unpaid balance of the account on the same day of the billing cycle is included. A charge may be made pursuant to this subdivision only if the seller, subject to classification and differentiations the seller may reasonably establish, makes the same charge on all balances within the specified range and if the percentage when applied to the median amount within the range does not produce a charge exceeding the charge resulting from applying that percentage to the lowest amount within the range by more than eight percent (8%) of the charge on the median amount.~~

~~(3) If the billing cycle is monthly, the charge may not exceed two and eighty-three thousandths percent (2.083%) of the amount pursuant to subsection (2). If the billing cycle is not monthly, the maximum charge is that percentage which bears the same relation to the applicable monthly percentage as the number of days in the billing cycle bears to thirty (30). For the purposes of this section, a variation of not more than four (4) days from month to month is "the same day of the billing cycle".~~

~~(4) Notwithstanding subsection (3), if there is an unpaid balance on the date as of which the credit service charge is applied, the seller may contract for and receive a charge not exceeding fifty cents ($.50), if the billing cycle is monthly or longer, or the pro rata part of fifty cents ($.50) which bears the same relation to fifty cents ($.50) as the number of days in the billing cycle bears to thirty (30) if the billing cycle is shorter than monthly.~~

SECTION 6. IC 24-4.5-2-208 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 208. Advances to Perform Covenants of Buyer — (1) If the agreement with respect to a consumer credit sale, refinancing, or consolidation contains covenants by the buyer to perform certain duties pertaining to insuring or preserving collateral and the seller pursuant to the agreement pays for performance of the duties on behalf of the buyer, the seller may add the amounts paid to the debt. Within a reasonable time after advancing any sums, ~~he~~ **the seller** shall state to the buyer in writing the amount of the sums advanced, any charges with respect to this amount, and any revised payment schedule and, if the duties of the buyer performed by the seller pertain to insurance, a brief description of the insurance paid for by the seller including the type and amount of coverages. No further information need be given.

(2) A credit service charge may be made for sums advanced pursuant to subsection (1) at a rate not exceeding the rate stated to the buyer pursuant to the provisions on disclosure (Part 3) with respect to the sale, refinancing or consolidation, except that with respect to a revolving charge account the amount of the advance may be added to the unpaid balance of the account and the seller may make a credit service charge not exceeding that permitted by the provisions on credit service charge for revolving charge accounts ~~(24-4.5-2-207).~~ **(IC 24-4.5-2-201(6)).**

SECTION 7. IC 24-4.5-2-209, AS AMENDED BY P.L.73-2016, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 209. (1) Subject to the provisions on rebate upon prepayment (section 210 of this chapter), the buyer may prepay in full the unpaid balance of a consumer credit sale, refinancing, or consolidation at any time without penalty.

(2) At the time of prepayment of a credit sale not subject to the provisions of rebate upon prepayment (section 210 of this chapter), the total credit service charge:

(a) including the prepaid credit service charge; **but**

(b) subject to section 201(13) of this chapter, excluding the nonrefundable prepaid finance charge allowed under section 201(11) of this chapter, in the case of a sale agreement entered into after June 30, 2020;

may not exceed the maximum charge allowed under this chapter for the period the credit sale was in effect.

(3) The creditor or mortgage servicer shall provide, in writing, an accurate payoff amount for the consumer credit sale to the debtor within seven (7) business days (excluding legal public holidays, Saturdays, and Sundays) after the creditor or mortgage servicer receives the debtor's written request for the accurate consumer credit sale payoff amount. A payoff statement provided by a creditor or mortgage servicer under this subsection must show the date the statement was prepared and itemize the unpaid principal balance and each fee, charge, or other sum included within the payoff amount. A creditor or mortgage servicer who fails to provide the accurate consumer credit sale payoff amount is liable for:

(A) one hundred dollars ($100) if an accurate consumer credit sale payoff amount is not provided by the creditor or mortgage servicer within seven (7) business days (excluding legal public holidays, Saturdays, and Sundays) after the creditor or mortgage servicer receives the debtor's first written request; and

(B) the greater of:

(i) one hundred dollars ($100); or

(ii) the credit service charge that accrues on the sale from the date the creditor or mortgage servicer receives the first written request until the date on which the accurate consumer credit sale payoff amount is provided;

if an accurate consumer credit sale payoff amount is not provided by the creditor or mortgage servicer within seven (7) business days (excluding legal public holidays, Saturdays, and Sundays) after the creditor or mortgage servicer receives the debtor's second written request, and the creditor or mortgage servicer failed to comply with clause (A).

A liability under this subsection is an excess charge under IC 24-4.5-5-202.

(4) As used in this subsection, "mortgage transaction" means a consumer credit sale in which a mortgage or a land contract (or another consensual security interest equivalent to a mortgage or a land contract) that constitutes a lien is created or retained against land upon which there is constructed or intended to be constructed a dwelling that is or will be used by the debtor primarily for personal, family, or household purposes. This subsection applies to a mortgage transaction with respect to which any installment or minimum payment due is delinquent for at least sixty (60) days. The creditor, servicer, or the creditor's agent shall acknowledge a written offer made in connection with a proposed short sale not later than five (5) business days (excluding legal public holidays, Saturdays, and Sundays) after the date of the offer if the offer complies with the requirements for a qualified written request set forth in 12 U.S.C. 2605(e)(1)(B). The creditor, servicer, or creditor's agent is required to acknowledge a written offer made in connection with a proposed short sale from a third party acting on behalf of the debtor only if the debtor has provided written authorization for the creditor, servicer, or creditor's agent to do so. Not later than thirty (30) business days (excluding legal public holidays, Saturdays, and Sundays) after receipt of an offer under this subsection, the creditor, servicer, or creditor's agent shall respond to the offer with an acceptance or a rejection of the offer. The thirty (30) day period described in this subsection may be extended for not more than fifteen (15) business days (excluding legal public holidays, Saturdays, and Sundays) if, before the end of the thirty (30) day period, the creditor, the servicer, or the creditor's agent notifies the debtor of the extension and the reason the extension is needed. Payment accepted by a creditor, servicer, or creditor's agent in connection with a short sale constitutes payment in full satisfaction of the mortgage transaction unless the creditor, servicer, or creditor's agent obtains:

(a) the following statement: "The debtor remains liable for any amount still owed under the mortgage transaction."; or

(b) a statement substantially similar to the statement set forth in subdivision (a);

acknowledged by the initials or signature of the debtor, on or before the date on which the short sale payment is accepted. As used in this

subsection, "short sale" means a transaction in which the property that is the subject of a mortgage transaction is sold for an amount that is less than the amount of the debtor's outstanding obligation under the mortgage transaction. A creditor or mortgage servicer that fails to respond to an offer within the time prescribed by this subsection is liable in accordance with 12 U.S.C. 2605(f) in any action brought under that section.

(5) This section is not intended to provide the owner of real estate subject to the issuance of process under a judgment or decree of foreclosure any protection or defense against a deficiency judgment for purposes of the borrower protections from liability that must be disclosed under 12 CFR 1026.38(p)(3) on the form required by 12 CFR 1026.38 ("Closing Disclosures" form under the Amendments to the 2013 Integrated Mortgage Disclosures Rule Under the Real Estate Settlement Procedures Act (Regulation X) and the Truth In Lending Act (Regulation Z) and the 2013 Loan Originator Rule Under the Truth in Lending Act (Regulation Z)).

SECTION 8. IC 24-4.5-2-210 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 210. Rebate upon Prepayment — (1) **Except for subsections (2) and (9), this section applies only to a sale agreement entered into before July 1, 2020.** Except as provided in subsection (2), upon prepayment in full of the unpaid balance of a precomputed consumer credit sale, refinancing, or consolidation, an amount not less than the unearned portion of the credit service charge calculated according to this section shall be rebated to the buyer. If the rebate required is less than one dollar ($1), no rebate need be made.

(2) Upon prepayment in full of a consumer credit sale, refinancing, or consolidation, other than one pursuant to a revolving charge account, if the credit service charge then earned is less than any permitted minimum credit service charge ~~(IC 24-4.5-2-201(6))~~ **(IC 24-4.5-2-201(8))** contracted for, whether or not the sale, refinancing, or consolidation is precomputed, the seller may collect or retain the minimum charge, as if earned, not exceeding the credit service charge contracted for.

(3) The unearned portion of the credit service charge is a fraction of the credit service charge of which the numerator is the sum of the periodic balances scheduled to follow the computational period in

which prepayment occurs, and the denominator is the sum of all periodic balances under either the sale agreement or, if the balance owing resulted from a refinancing (IC 24-4.5-2-205) or a consolidation (IC 24-4.5-2-206), under the refinancing agreement or consolidation agreement.

(4) In this section:

(a) "periodic balance" means the amount scheduled to be outstanding on the last day of a computational period before deducting the payment, if any, scheduled to be made on that day;

(b) "computational period" means one (1) month if one-half (1/2) or more of the intervals between scheduled payments under the agreement is one (1) month or more, and otherwise means one (1) week;

(c) the "interval" to the due date of the first scheduled installment or the final scheduled payment date is measured from the date of a sale, refinancing, or consolidation, or any later date prescribed for calculating maximum credit service charges ~~(IC 24-4.5-2-201(4))~~ **(IC 24-4.5-2-201(5))** and includes either the first or last day of the interval; and

(d) if the interval to the due date of the first scheduled installment does not exceed one (1) month by more than fifteen (15) days when the computational period is one (1) month, or eleven (11) days when the computational period is one (1) week, the interval shall be considered as one (1) computational period.

(5) This subsection applies only if the schedule of payments is not regular.

(a) If the computational period is one (1) month and:

(i) if the number of days in the interval to the due date of the first scheduled installment is less than one (1) month by more than five (5) days, or more than one (1) month by more than five (5) but not more than fifteen (15) days, the unearned credit service charge shall be increased by an adjustment for each day by which the interval is less than one (1) month and, at the option of the seller, may be reduced by an adjustment for each day by which the interval is more than one (1) month; the adjustment for each day shall be one-thirtieth (1/30) of that part of the credit service charge earned in the computational

period prior to the due date of the first scheduled installment assuming that period to be one (1) month; and

(ii) if the interval to the final scheduled payment date is a number of computational periods plus an additional number of days less than a full month, the additional number of days shall be considered a computational period only if sixteen (16) days or more. This ~~subparagraph~~ **clause** applies whether or not clause (i) applies.

(b) Notwithstanding ~~paragraph~~ **subdivision** (a), if the computational period is one (1) month, the number of days in the interval to the due date of the first installment exceeds one (1) month by not more than fifteen (15) days, and the schedule of payments is otherwise regular, the seller, at the seller's option, may exclude the extra days and the charge for the extra days in computing the unearned credit service charge; but if the seller does so and a rebate is required before the due date of the first scheduled installment, the seller shall compute the earned charge for each elapsed day as one-thirtieth (1/30) of the amount the earned charge would have been if the first interval had been one (1) month.

(c) If the computational period is one (1) week and:

(i) if the number of days in the interval to the due date of this first scheduled installment is less than five (5) days or more than nine (9) days but not more than eleven (11) days, the unearned credit service charge shall be increased by an adjustment for each day by which the interval is less than seven (7) days and, at the option of the seller, may be reduced by an adjustment for each day by which the interval is more than seven (7) days; the adjustment for each day shall be one-seventh (1/7) of that part of the credit service charge earned in the computational period prior to the due date of the first scheduled installment assuming that period to be one (1) week; and

(ii) if the interval to the final scheduled payment date is a number of computational periods plus an additional number of days less than a full week, the additional number of days shall be considered a computational period only if five (5) days or

more. This ~~subparagraph~~ **clause** applies whether or not ~~subparagraph~~ **clause** (i) applies.

(6) If a deferral (IC 24-4.5-2-204) has been agreed to, the unearned portion of the credit service charge shall be computed without regard to the deferral. The amount of deferral charge earned at the date of prepayment shall also be calculated. If the deferral charge earned is less than the deferral charge paid, the difference shall be added to the unearned portion of the credit service charge. If any part of a deferral charge has been earned but has not been paid, that part shall be subtracted from the unearned portion of the credit service charge or shall be added to the unpaid balance.

(7) This section does not preclude the collection or retention by the seller of delinquency charges ~~(IC 24-4.5-2-203, repealed in 1994).~~ **(IC 24-4.5-2-203.5).**

(8) If the maturity is accelerated for any reason and judgment is obtained, the buyer is entitled to the same rebate as if payment had been made on the date judgment is entered.

(9) Upon prepayment in full of a consumer credit sale by the proceeds of consumer credit insurance **(as defined in** IC 24-4.5-4-103), the buyer or the buyer's estate shall pay the same credit service charge or receive the same rebate as though the buyer had prepaid the agreement on the date the proceeds of the insurance are paid to the seller, but no later than ten (10) business days after satisfactory proof of loss is furnished to the seller. This subsection applies whether or not the credit sale is precomputed.

(10) Upon prepayment in full of a transaction with a term of more than sixty-one (61) months, the unearned part of the credit service charge shall be computed by applying the disclosed annual percentage rate that would yield the credit service charge originally contracted for to the unpaid balances of the amount financed for the full computational periods following the prepayment, as originally scheduled or as deferred.

SECTION 9. IC 24-4.5-2-602, AS AMENDED BY P.L.73-2016, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 602. (1) A "consumer related sale" is a sale of goods, services, or an interest in land in which:

(a) credit is granted by a person that is not regularly engaged as a seller in credit transactions of the same kind;

(b) the buyer is a person other than an organization;

(c) the goods, services, or interest in land are purchased primarily for a personal, family, or household purpose;

(d) either the debt is payable in installments or a credit service charge is made; and

(e) with respect to a sale of goods or services:

(i) either the amount of credit extended, the written credit limit, or the initial advance does not exceed the exempt threshold amount, as adjusted in accordance with the annual adjustment of the exempt threshold amount, specified in Regulation Z (12 CFR 226.3 or 12 CFR 1026.3(b), as applicable); or

(ii) the debt is secured by personal property used or expected to be used as the principal dwelling of the buyer.

(2) With respect to a consumer related sale not made pursuant to a revolving charge account, the parties may contract for an amount comprising the amount financed and a credit service charge not in excess of twenty-five percent (25%) per year calculated according to the actuarial method on the unpaid balances of the amount financed**.**

(3) With respect to a consumer related sale made pursuant to a revolving charge account, the parties may contract for a credit service charge not in excess of that permitted by the provisions on credit service charge for revolving charge accounts ~~(IC 24-4.5-2-207).~~ **(IC 24-4.5-2-201(6)).**

(4) A person engaged in consumer related sales is not required to comply with IC 24-4.5-6-201 through IC 24-4.5-6-203.

SECTION 10. IC 24-4.5-3-201, AS AMENDED BY P.L.159-2017, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 201. Loan Finance Charge for Consumer Loans other than Supervised Loans—(1) Except as provided in subsections ~~(6)~~ **(7)** and ~~(8),~~ **(9),** with respect to a consumer loan, other than a supervised loan (as defined in section 501 of this chapter), a lender may contract for a loan finance charge, calculated according to the actuarial method, not exceeding twenty-five percent (25%) per year on the unpaid balances of the principal **(as defined in section 107(3) of this chapter).**

(2) **In the case of a loan agreement entered into before July 1, 2020,** this section does not limit or restrict the manner of contracting

for the loan finance charge, whether by way of add-on, discount, or otherwise, so long as the rate of the loan finance charge does not exceed that permitted by this section. If the loan is precomputed:

(a) the loan finance charge may be calculated on the assumption that all scheduled payments will be made when due; and

(b) the effect of prepayment is governed by the provisions on rebate upon prepayment in section 210 of this chapter.

(3) The following apply to a loan agreement for a consumer loan (or for the refinancing or consolidation of a consumer loan) that is entered into after June 30, 2020:

(a) The consumer loan is subject to this section, including the limitations set forth in:

(i) subsection (1) with respect to the loan finance charge; and

(ii) subsection (9)(b) with respect to the amount of the authorized nonrefundable prepaid finance charge, in the case of a consumer loan that is not secured by an interest in land.

(b) The loan finance charge authorized by this section must be:

(i) contracted for between the lender and the debtor; and

(ii) calculated by applying a rate not exceeding the rate set forth in subsection (1) to unpaid balances of the principal (as defined in section 107(3) of this chapter).

(c) A loan agreement for a precomputed consumer loan is prohibited.

(d) Subject to subsection (12), in addition to the loan finance charge authorized by subsection (1) and to any other fees permitted by this chapter, and not subject to the twenty-five percent (25%) rate set forth in subsection (1), the lender may contract for and receive as a condition for, or an incident to, the extension of credit a nonrefundable prepaid finance charge under subsection (9), whether the charge is:

(i) paid separately in cash or by check before or at consummation; or

(ii) withheld from the proceeds of the consumer loan.

~~(3)~~ **(4)** For the purposes of this section, the term of a loan commences with the date the loan is made. Differences in the lengths

of months are disregarded, and a day may be counted as one-thirtieth (1/30) of a month. Subject to classifications and differentiations the lender may reasonably establish, a part of a month in excess of fifteen (15) days may be treated as a full month if periods of fifteen (15) days or less are disregarded and if that procedure is not consistently used to obtain a greater yield than would otherwise be permitted. For purposes of computing average daily balances, the creditor may elect to treat all months as consisting of thirty (30) days.

~~(4)~~ **(5)** With respect to a consumer loan made pursuant to a revolving loan account:

(a) the loan finance charge shall be deemed not to exceed the maximum annual percentage rate if the loan finance charge contracted for and received does not exceed a charge in each monthly billing cycle which is two and eighty-three thousandths percent (2.083%) of an amount not greater than:

(i) the average daily balance of the debt;

(ii) the unpaid balance of the debt on the same day of the billing cycle; or

(iii) subject to subsection ~~(5),~~ **(6),** the median amount within a specified range within which the average daily balance or the unpaid balance of the debt, on the same day of the billing cycle, is included; for the purposes of this ~~subparagraph~~ **clause** and ~~subparagraph~~ **clause** (ii), a variation of not more than four (4) days from month to month is "the same day of the billing cycle";

(b) if the billing cycle is not monthly, the loan finance charge shall be deemed not to exceed the maximum annual percentage rate if the loan finance charge contracted for and received does not exceed a percentage which bears the same relation to one-twelfth (1/12) the maximum annual percentage rate as the number of days in the billing cycle bears to thirty (30); and

(c) notwithstanding subsection (1), if there is an unpaid balance on the date as of which the loan finance charge is applied, the lender may contract for and receive a charge not exceeding fifty cents ($0.50) if the billing cycle is monthly or longer, or the pro rata part of fifty cents ($0.50) which bears the same relation to fifty cents ($0.50) as the number of days in the billing cycle bears to thirty (30) if the billing cycle is shorter than monthly, but no

charge may be made pursuant to this ~~paragraph~~ **subdivision** if the lender has made an annual charge for the same period as permitted by the provisions on additional charges in section 202(1)(c) of this chapter.

~~(5)~~ **(6)** Subject to classifications and differentiations the lender may reasonably establish, the lender may make the same loan finance charge on all amounts financed within a specified range. A loan finance charge does not violate subsection (1) if:

(a) when applied to the median amount within each range, it does not exceed the maximum permitted by subsection (1); and

(b) when applied to the lowest amount within each range, it does not produce a rate of loan finance charge exceeding the rate calculated according to ~~paragraph~~ **subdivision** (a) by more than eight percent (8%) of the rate calculated according to ~~paragraph~~ **subdivision** (a).

~~(6)~~ **(7)** With respect to a consumer loan not made pursuant to a revolving loan account, the lender may contract for and receive a minimum loan finance charge of not more than thirty dollars ($30). The minimum loan finance charge allowed under this subsection may be imposed only if the lender does not ~~assess~~ **contract for or receive** a nonrefundable prepaid finance charge under subsection ~~(8)~~ **(9)** and:

(a) the debtor prepays in full a consumer loan, refinancing, or consolidation, regardless of whether the loan, refinancing, or consolidation is precomputed;

(b) the loan, refinancing, or consolidation prepaid by the debtor is subject to a loan finance charge that:

(i) is contracted for by the parties; and

(ii) does not exceed the rate prescribed in subsection (1); and

(c) the loan finance charge earned at the time of prepayment is less than the minimum loan finance charge contracted for under this subsection.

~~(7)~~ **(8)** The amount of thirty dollars ($30) in subsection ~~(6)~~ **(7)** is subject to change under the provisions on adjustment of dollar amounts (IC 24-4.5-1-106). However, notwithstanding IC 24-4.5-1-106(1), the Reference Base Index to be used under this subsection is the Index for October 1992.

~~(8)~~ **(9)** Except as provided in subsection ~~(6),~~ **(7), and subject to subsection (12),** in addition to the loan finance charge ~~provided for in~~

~~this section~~ **authorized by subsection (1)** and to any other charges and fees permitted by this chapter, a lender may contract for and receive a nonrefundable prepaid finance charge of not more than the following:

(a) In the case of a consumer loan that is secured by an interest in land and that:

(i) is not made under a revolving loan account, two percent (2%) of the loan amount; or

(ii) is made under a revolving loan account, two percent (2%) of the line of credit.

(b) In the case of consumer loan that is not secured by an interest in land, fifty dollars ($50) **if the loan agreement is entered into before July 1, 2020. If the loan agreement is entered into after June 30, 2020, not more than the following**:

(i) Seventy-five dollars ($75), in the case of a loan agreement for a principal amount which is two thousand dollars ($2,000) or less.

(ii) One hundred fifty dollars ($150) in the case of a loan agreement for a principal amount which is more than two thousand dollars ($2,000) but does not exceed four thousand dollars ($4,000).

(iii) Two hundred dollars ($200) in the case of a loan agreement for a principal amount which is more than four thousand dollars ($4,000).

The amounts in this subsection are not subject to change under IC 24-4.5-1-106.

~~(9)~~ **(10)** The nonrefundable prepaid finance charge provided for in subsection ~~(8)~~ **(9)** is not subject to refund or rebate. **However, for any loan entered into after June 30, 2020, any amount charged by the lender, other than by a lender that is a depository institution (as defined in IC 24-4.5-1-301.5(12)), under subsection (9) that exceeds the applicable amount permitted by subsection (9)(b) constitutes a violation of this article under IC 24-4.5-6-107.5(l) and is subject to refund. Any amount charged by a depository institution (as defined in IC 24-4.5-1-301.5(12)) under subsection (9) that exceeds the applicable amount set forth in subsection (9)(b) is subject to refund.**

(11) If the director determines that a lender's accrual method of accounting as applied to a consumer loan under this section

involves the application of subterfuge for the purpose of circumventing this chapter, the director may conform the loan finance charge and fees for the transaction to the limitations set forth in this section and may require a refund of overcharges under IC 24-4.5-6-106(2)(a). A determination by the director under this subsection:

(a) must be in writing;

(b) shall be delivered to all parties in the transaction; and

(c) is subject to IC 4-21.5-3.

(12) At the time of consummation of a consumer loan:

(a) the loan finance charge authorized by subsection (1); and

(b) the nonrefundable prepaid finance charge authorized by subsection (9) (including any amount charged by a depository institution (as defined in IC 24-4.5-1-301.5(12)) that exceeds the applicable amount set forth in subsection (9)(b));

are subject to IC 35-45-7 and, when combined, may not exceed the rate set forth in IC 35-45-7-2.

~~(10)~~ **(13)** Notwithstanding subsections ~~(8)~~ **(9)** and ~~(9),~~ **(10),** in the case of a consumer loan that is not secured by an interest in land, if a lender retains any part of a nonrefundable prepaid finance charge charged on a loan that is paid in full by a new loan from the same lender, the following apply:

(a) If the loan is paid in full by the new loan within three (3) months after the date of the prior loan, the lender may not charge a nonrefundable prepaid finance charge on the new loan, or, in the case of a revolving loan, on the increased credit line.

(b) The lender may not assess more than two (2) nonrefundable prepaid finance charges in any twelve (12) month period.

(c) Subject to subdivisions (a) and (b), if a loan that is entered into by a lender and a debtor before July 1, 2020, is paid in full by a new loan from the same lender after June 30, 2020, the lender may contract for and receive a nonrefundable prepaid finance charge in the amount set forth in subsection (9)(b) for loan agreements entered into after June 30, 2020.

~~(11)~~ **(14)** In the case of a consumer loan that is secured by an interest in land, this section does not prohibit a lender from contracting for and receiving a fee for preparing deeds, mortgages, reconveyances, and similar documents under section 202(1)(d)(ii) of this chapter, in

addition to the nonrefundable prepaid finance charge provided for in subsection ~~(8).~~ **(9).**

SECTION 11. IC 24-4.5-3-204, AS AMENDED BY P.L.175-2015, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 204. Deferral Charges — (1) **This section applies only to a consumer loan, refinancing, or consolidation, that is entered into before July 1, 2020.** With respect to a precomputed consumer loan, refinancing, or consolidation, the parties before or after default may agree in writing to a deferral of all or part of one (1) or more unpaid ~~instalments,~~ **installments,** and the lender may make and collect a charge not exceeding the lesser of thirty-six percent (36%) per year or the rate previously stated to the debtor pursuant to the provisions on disclosure (Part 3) applied to the amount or amounts deferred for the period of deferral calculated without regard to difference in the lengths of months, but proportionally for a part of a month, counting each day as one-thirtieth (1/30) of a month. A deferral charge may be collected at the time it is assessed or at any time thereafter.

(2) The lender, in addition to the deferral charge, may make appropriate additional charges (IC 24-4.5-3-202), and the amount of these charges which is not paid in cash may be added to the amount deferred for the purpose of calculating the deferral charge.

(3) The parties may agree in writing at the time of a precomputed consumer loan, refinancing, or consolidation that if an ~~instalment~~ **installment** is not paid within ten (10) days after its due date, the lender may unilaterally grant a deferral and make charges as provided in this section. No deferral charge may be made for a period after the date that the lender elects to accelerate the maturity of the agreement.

(4) A delinquency charge made by the lender on an ~~instalment~~ **installment** may not be retained if a deferral charge is made pursuant to this section with respect to the period of delinquency.

SECTION 12. IC 24-4.5-3-205 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 205. Loan Finance Charge on Refinancing — With respect to a consumer loan, refinancing, or consolidation, the lender may by agreement with the debtor refinance the unpaid balance and may contract for and receive a loan finance charge based on the principal resulting from the refinancing at a rate not exceeding that permitted by the provisions on

a loan finance charge for consumer loans (IC 24-4.5-3-201) or the provisions on a loan finance charge for supervised loans (IC 24-4.5-3-508), whichever is appropriate. For the purpose of determining the loan finance charge permitted, the principal resulting from the refinancing comprises the following:

~~(1)~~ **(a)** If:

(i) the transaction was not precomputed, the total of the unpaid balance and the accrued charges on the date of the refinancing; or ~~if~~

(ii) the transaction was precomputed, **in the case of a transaction entered into before July 1, 2020,** the amount which the debtor would have been required to pay upon prepayment pursuant to the provisions on rebate upon prepayment (IC 24-4.5-3-210) on the date of refinancing. ~~and~~

~~(2)~~ **(b)** Appropriate additional charges (IC 24-4.5-3-202), payment of which is deferred.

SECTION 13. IC 24-4.5-3-206 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec]. 206. Loan Finance Charge on Consolidation — (1) If a debtor owes an unpaid balance to a lender with respect to a consumer loan, refinancing, or consolidation, and becomes obligated on another consumer loan, refinancing, or consolidation with the same lender, the parties may agree to a consolidation resulting in a single schedule of payments. If the previous consumer loan, refinancing, or consolidation was not precomputed, the parties may agree to add the unpaid amount of principal and accrued charges on the date of consolidation to the principal with respect to the subsequent loan. If the previous consumer loan, refinancing, or consolidation was precomputed, **in the case of a transaction entered into before July 1, 2020,** the parties may agree to refinance the unpaid balance pursuant to the provisions on refinancing **(IC** 24-4.5-3-205) and to consolidate the principal resulting from the refinancing by adding it to the principal with respect to the subsequent loan. In either case the lender may contract for and receive a loan finance charge based on the aggregate principal resulting from the consolidation at a rate not in excess of that permitted by the provisions on loan finance charge for consumer loans **(IC** 24-4.5-3-201) or the provisions on loan finance charge for supervised loans **(IC** 24-4.5-3-508), whichever is appropriate.

(2) The parties may agree to consolidate the unpaid balance of a consumer loan with the unpaid balance of a consumer credit sale. The parties may agree to refinance the previous unpaid balance pursuant to the provisions on refinancing sales **(IC** 24-4.5-2-205) or the provisions on refinancing loans **(IC** 24-4.5-3-205), whichever is appropriate, and to consolidate the amount financed resulting from the refinancing or the principal resulting from the refinancing by adding it to the amount financed or principal with respect to the subsequent sale or loan. The aggregate amount resulting from the consolidation shall be deemed principal, and the creditor may contract for and receive a loan finance charge based on the principal at a rate not in excess of that permitted by the provisions on loan finance charge for consumer loans **(IC** 24-4.5-3-201) or the provisions on loan finance charge for supervised loans **(IC** 24-4.5-3-508), whichever is appropriate.

SECTION 14. IC 24-4.5-3-209, AS AMENDED BY P.L.159-2017, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 209. Right to Prepay - (1) Subject to the provisions on rebate upon prepayment (section 210 of this chapter), the debtor may prepay in full the unpaid balance of a consumer loan, refinancing, or consolidation at any time without penalty. With respect to a consumer loan that is primarily secured by an interest in land, a lender may contract for a penalty for prepayment of the loan in full, not to exceed two percent (2%) of any amount prepaid within sixty (60) days of the date of the prepayment in full, after deducting all refunds and rebates as of the date of the prepayment. However, the penalty may not be imposed:

(a) if the loan is refinanced or consolidated with the same creditor;

(b) for prepayment by proceeds of any insurance or acceleration after default; or

(c) after three (3) years from the contract date.

For purposes of this section, the collection of the amount of any conditionally waived closing costs (as allowed under section 202(d) of this chapter) by a creditor, as stipulated in the loan agreement, at the time of prepayment in full does not constitute a prepayment penalty and is not subject to the limitations set forth in this subsection.

(2) At the time of prepayment of a consumer loan not subject to the provisions of rebate upon prepayment (section 210 of this chapter), the

total finance charge, including the prepaid finance charge but excluding the nonrefundable prepaid finance charge allowed under **section 201(9) of** this chapter, may not exceed the maximum charge allowed under this chapter for the period the loan was in effect. For the purposes of determining compliance with this subsection, the total finance charge does not include the following:

(a) The nonrefundable prepaid finance charge allowed under **section 201(9) of** this chapter.

(b) The debtor paid mortgage broker fee, if any, paid to a person who does not control, is not controlled by, or is not under common control with, the creditor holding the loan at the time a consumer loan is prepaid.

(3) The creditor or mortgage servicer shall provide, in writing, an accurate payoff amount for the consumer loan to the debtor within seven (7) business days (excluding legal public holidays, Saturdays, and Sundays) after the creditor or mortgage servicer receives the debtor's written request for the accurate consumer loan payoff amount. A payoff statement provided by a creditor or mortgage servicer under this subsection must show the date the statement was prepared and itemize the unpaid principal balance and each fee, charge, or other sum included within the payoff amount. A creditor or mortgage servicer who fails to provide the accurate consumer loan payoff amount is liable for:

(a) one hundred dollars ($100) if an accurate consumer loan payoff amount is not provided by the creditor or mortgage servicer within seven (7) business days (excluding legal public holidays, Saturdays, and Sundays) after the creditor or mortgage servicer receives the debtor's first written request; and

(b) the greater of:

(i) one hundred dollars ($100); or

(ii) the loan finance charge that accrues on the loan from the date the creditor or mortgage servicer receives the first written request until the date on which the accurate consumer loan payoff amount is provided;

if an accurate consumer loan payoff amount is not provided by the creditor or mortgage servicer within seven (7) business days (excluding legal public holidays, Saturdays, and Sundays) after the creditor or mortgage servicer receives the debtor's second

written request, and the creditor or mortgage servicer failed to comply with subdivision (a).

A liability under this subsection is an excess charge under IC 24-4.5-5-202.

(4) As used in this subsection, "mortgage transaction" means a consumer loan in which a mortgage or a land contract (or another consensual security interest equivalent to a mortgage or a land contract) that constitutes a lien is created or retained against land upon which there is constructed or intended to be constructed a dwelling that is or will be used by the debtor primarily for personal, family, or household purposes. This subsection applies to a mortgage transaction with respect to which any installment or minimum payment due is delinquent for at least sixty (60) days. The creditor, servicer, or the creditor's agent shall acknowledge a written offer made in connection with a proposed short sale not later than five (5) business days (excluding legal public holidays, Saturdays, and Sundays) after the date of the offer if the offer complies with the requirements for a qualified written request set forth in 12 U.S.C. 2605(e)(1)(B). The creditor, servicer, or creditor's agent is required to acknowledge a written offer made in connection with a proposed short sale from a third party acting on behalf of the debtor only if the debtor has provided written authorization for the creditor, servicer, or creditor's agent to do so. Not later than thirty (30) business days (excluding legal public holidays, Saturdays, and Sundays) after receipt of an offer under this subsection, the creditor, servicer, or creditor's agent shall respond to the offer with an acceptance or a rejection of the offer. The thirty (30) day period described in this subsection may be extended for not more than fifteen (15) business days (excluding legal public holidays, Saturdays, and Sundays) if, before the end of the thirty (30) day period, the creditor, the servicer, or the creditor's agent notifies the debtor of the extension and the reason the extension is needed. Payment accepted by a creditor, servicer, or creditor's agent in connection with a short sale constitutes payment in full satisfaction of the mortgage transaction unless the creditor, servicer, or creditor's agent obtains:

(a) the following statement: "The debtor remains liable for any amount still owed under the mortgage transaction."; or

(b) a statement substantially similar to the statement set forth in subdivision (a);

acknowledged by the initials or signature of the debtor, on or before the date on which the short sale payment is accepted. As used in this subsection, "short sale" means a transaction in which the property that is the subject of a mortgage transaction is sold for an amount that is less than the amount of the debtor's outstanding obligation under the mortgage transaction. A creditor or mortgage servicer that fails to respond to an offer within the time prescribed by this subsection is liable in accordance with 12 U.S.C. 2605(f) in any action brought under that section.

(5) This section is not intended to provide the owner of real estate subject to the issuance of process under a judgment or decree of foreclosure any protection or defense against a deficiency judgment for purposes of the borrower protections from liability that must be disclosed under 12 CFR 1026.38(p)(3) on the form required by 12 CFR 1026.38 ("Closing Disclosures" form under the Amendments to the 2013 Integrated Mortgage Disclosures Rule Under the Real Estate Settlement Procedures Act (Regulation X) and the Truth In Lending Act (Regulation Z) and the 2013 Loan Originator Rule Under the Truth in Lending Act (Regulation Z)).

SECTION 15. IC 24-4.5-3-210 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 210. Rebate upon Prepayment. — (1) **Except for subsections (2) and (9), this section applies only to a loan agreement entered into before July 1, 2020.** Except as provided in subsection (2), upon prepayment in full of the unpaid balance of a precomputed consumer loan, refinancing, or consolidation, an amount not less than the unearned portion of the loan finance charge calculated according to this section shall be rebated to the debtor. If the rebate otherwise required is less than one dollar ($1), no rebate need be made.

(2) Upon prepayment in full of a consumer loan, refinancing, or consolidation, other than one (1) under a revolving loan account, if the loan finance charge earned is less than any permitted minimum loan finance charge ~~(IC 24-4.5-3-201(6)~~ **(IC 24-4.5-3-201(7)** or IC 24-4.5-3-508(7)) contracted for, whether or not the consumer loan, refinancing, or consolidation is precomputed, the lender may collect or retain the minimum loan finance charge, as if earned, not exceeding the loan finance charge contracted for.

(3) The unearned portion of the loan finance charge is a fraction of the loan finance charge of which the numerator is the sum of the periodic balances scheduled to follow the computational period in which prepayment occurs, and the denominator is the sum of all periodic balances under either the loan agreement or, if the balance owing resulted from a refinancing (IC 24-4.5-3-205) or a consolidation (IC 24-4.5-3-206), under the refinancing agreement or consolidation agreement.

(4) In this section:

(a) "periodic balance" means the amount scheduled to be outstanding on the last day of a computational period before deducting the payment, if any, scheduled to be made on that day;

(b) "computation period" means one (1) month if one-half (1/2) or more of the intervals between scheduled payments under the agreement is one (1) month or more, and otherwise means one (1) week;

(c) the "interval" to the due date of the first scheduled installment or the final scheduled payment date is measured from the date of a loan, refinancing, or consolidation, and includes either the first or last day of the interval; and

(d) if the interval to the due date of the first scheduled installment does not exceed one (1) month by more than fifteen (15) days when the computational period is one (1) month, or eleven (11) days when the computational period is one (1) week, the interval shall be considered as one (1) computational period.

(5) This subsection applies only if the schedule of payments is not regular.

(a) If the computational period is one (1) month and:

(i) if the number of days in the interval to the due date of the first scheduled installment is less than one (1) month by more than five (5) days, or more than one (1) month by more than five (5) but not more than fifteen (15) days, the unearned loan finance charge shall be increased by an adjustment for each day by which the interval is less than one (1) month and, at the option of the lender, may be reduced by an adjustment for each day by which the interval is more than one (1) month; the adjustment for each day shall be one-thirtieth (1/30) of that part of the loan finance charge earned in the computational

period prior to the due date of the first scheduled installment assuming that period to be one (1) month; and

(ii) if the interval to the final scheduled payment date is a number of computational periods plus an additional number of days less than a full month, the additional number of days shall be considered a computational period only if sixteen (16) days or more. This ~~subparagraph~~ **clause** applies whether or not ~~subparagraph~~ **clause** (i) applies.

(b) Notwithstanding ~~paragraph~~ **subdivision** (a), if the computational period is one (1) month, the number of days in the interval to the due date of the first installment exceeds one (1) month by not more than fifteen (15) days, and the schedule of payments is otherwise regular, the lender, at the lender's option, may exclude the extra days and the charge for the extra days in computing the unearned loan finance charge; but if the lender does so and a rebate is required before the due date of the first scheduled installment, the lender shall compute the earned charge for each elapsed day as one-thirtieth (1/30) of the amount the earned charge would have been if the first interval had been one (1) month.

(c) If the computational period is one (1) week and:

(i) if the number of days in the interval to the due date of the first scheduled installment is less than five (5) days, or more than nine (9) days, but not more than eleven (11) days, the unearned loan finance charge shall be increased by an adjustment for each day by which the interval is less than seven (7) days and, at the option of the lender, may be reduced by an adjustment for each day by which the interval is more than seven (7) days; the adjustment for each day shall be one-seventh (1/7) of that part of the loan finance charge earned in the computational period prior to the due date of the first scheduled installment, assuming that period to be one (1) week; and

(ii) if the interval to the final scheduled payment date is a number of computational periods plus an additional number of days less than a full week, the additional number of days shall be considered a computational period only if five (5) days or

more. This ~~subparagraph~~ **clause** applies whether or not ~~subparagraph~~ **clause** (i) applies.

(6) If a deferral (IC 24-4.5-3-204) has been agreed to, the unearned portion of the loan finance charge shall be computed without regard to the deferral. The amount of deferral charge earned at the date of prepayment shall also be calculated. If the deferral charge earned is less than the deferral charge paid, the difference shall be added to the unearned portion of the loan finance charge. If any part of a deferral charge has been earned but has not been paid, that part shall be subtracted from the unearned portion of the loan finance charge or shall be added to the unpaid balance.

(7) This section does not preclude the collection or retention by the lender of delinquency charges ~~(IC 24-4.5-3-203, repealed in 1994).~~ **(IC 24-4.5-3-203.5).**

(8) If the maturity is accelerated for any reason and judgment is obtained, the debtor is entitled to the same rebate as if payment had been made on the date judgment is entered.

(9) Upon prepayment in full of a consumer loan by the proceeds of consumer credit insurance **(as defined in** IC 24-4.5-4-103), the debtor or the debtor's estate shall pay the same loan finance charge or receive the same rebate as though the debtor had prepaid the agreement on the date the proceeds of the insurance are paid to the lender, but no later than ten (10) business days after satisfactory proof of loss is furnished to the lender. This subsection applies whether or not the loan is precomputed.

(10) Upon prepayment in full of a transaction with a term of more than sixty-one (61) months, the unearned loan finance charge shall be computed by applying the disclosed annual percentage rate that would yield the loan finance charge originally contracted for to the unpaid balances of the amount financed for the full computational periods following the prepayment, as originally scheduled or as deferred.

SECTION 16. IC 24-4.5-3-508, AS AMENDED BY P.L.159-2017, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 508. Loan Finance Charge for Supervised Loans – (1) With respect to a supervised loan, including a loan pursuant to a revolving loan account, a supervised lender may contract for and receive a loan finance charge not exceeding that permitted by this section.

(2) The loan finance charge, calculated according to the actuarial method, may not exceed the equivalent of the greater of:

(a) the total of:

(i) thirty-six percent (36%) per year on that part of the unpaid balances of the principal **(as defined in section 107(3) of this chapter)** which is two thousand dollars ($2,000) or less;

(ii) twenty-one percent (21%) per year on that part of the unpaid balances of the principal **(as defined in section 107(3) of this chapter)** which is more than two thousand dollars ($2,000) but does not exceed four thousand dollars ($4,000); and

(iii) fifteen percent (15%) per year on that part of the unpaid balances of the principal **(as defined in section 107(3) of this chapter)** which is more than four thousand dollars ($4,000); or

(b) twenty-five percent (25%) per year on the unpaid balances of the principal **(as defined in section 107(3) of this chapter).**

(3) **In the case of a loan agreement entered into before July 1, 2020,** this section does not limit or restrict the manner of contracting for the loan finance charge, whether by way of add-on, discount, or otherwise, so long as the rate of the loan finance charge does not exceed that permitted by this section. If the loan is precomputed:

(a) the loan finance charge may be calculated on the assumption that all scheduled payments will be made when due; and

(b) the effect of prepayment is governed by the provisions on rebate upon prepayment in section 210 of this chapter.

After June 30, 2020, a loan agreement may not be entered into for a precomputed supervised loan.

(4) The term of a loan for the purposes of this section commences on the date the loan is made. Differences in the lengths of months are disregarded, and a day may be counted as one-thirtieth (1/30) of a month. Subject to classifications and differentiations the lender may reasonably establish, a part of a month in excess of fifteen (15) days may be treated as a full month if periods of fifteen (15) days or less are disregarded and that procedure is not consistently used to obtain a greater yield than would otherwise be permitted.

(5) Subject to classifications and differentiations the lender may reasonably establish, the lender may make the same loan finance

charge on all principal amounts within a specified range. A loan finance charge does not violate subsection (2) if:

(a) when applied to the median amount within each range, it does not exceed the maximum permitted in subsection (2); and

(b) when applied to the lowest amount within each range, it does not produce a rate of loan finance charge exceeding the rate calculated according to ~~paragraph~~ **subdivision** (a) by more than eight percent (8%) of the rate calculated according to ~~paragraph~~ **subdivision** (a).

(6) The amounts of two thousand dollars ($2,000) and four thousand dollars ($4,000) in subsection (2) and thirty dollars ($30) in subsection (7) are subject to change pursuant to the provisions on adjustment of dollar amounts (IC 24-4.5-1-106). However, notwithstanding IC 24-4.5-1-106(1), for the adjustment of the amount of thirty dollars ($30), the Reference Base Index to be used is the Index for October 1992. Notwithstanding IC 24-4.5-1-106(1), for the adjustment of the amounts of two thousand dollars ($2,000) and four thousand dollars ($4,000), the Reference Base Index to be used is the Index for October 2012.

(7) With respect to a supervised loan not made pursuant to a revolving loan account, the lender may contract for and receive a minimum loan finance charge of not more than thirty dollars ($30). The minimum loan finance charge allowed under this subsection may be imposed only if the lender does not assess a nonrefundable prepaid finance charge under subsection (8) and:

(a) the debtor prepays in full a consumer loan, refinancing, or consolidation, regardless of whether the loan, refinancing, or consolidation is precomputed;

(b) the loan, refinancing, or consolidation prepaid by the debtor is subject to a loan finance charge that:

(i) is contracted for by the parties; and

(ii) does not exceed the rate prescribed in subsection (2); and

(c) the loan finance charge earned at the time of prepayment is less than the minimum loan finance charge contracted for under this subsection.

(8) Except as provided in ~~subsection~~ **subsections** (7) **and (10)(c),** in addition to the loan finance charge provided for in this section and to any other charges and fees permitted by this chapter, the lender may

contract for and receive a nonrefundable prepaid finance charge of not more than fifty dollars ($50) **if the loan agreement is entered into before July 1, 2020. If the loan agreement is entered into after June 30, 2020, not more than the following:**

(a) Seventy-five dollars ($75), in the case of a loan agreement for a principal amount which is two thousand dollars ($2,000) or less.

(b) One hundred fifty dollars ($150) in the case of a loan agreement for a principal amount which is more than two thousand dollars ($2,000) but does not exceed four thousand dollars ($4,000).

(c) Two hundred dollars ($200) in the case of a loan agreement for a principal amount which is more than four thousand dollars ($4,000).

The amounts in this subsection are not subject to change under IC 24-4.5-1-106.

(9) The nonrefundable prepaid finance charge provided for in subsection (8) is not subject to refund or rebate. **However, for any supervised loan entered into after June 30, 2020, any amount charged by the lender, other than by a lender that is a depository institution (as defined in IC 24-4.5-1-301.5(12)), under subsection (8) that exceeds the applicable amount permitted by subsection (8) constitutes a violation of this article under IC 24-4.5-6-107.5(l) and is subject to refund. Any amount charged by a depository institution (as defined in IC 24-4.5-1-301.5(12)) under subsection (8) that exceeds the applicable amount set forth in subsection (8) is subject to refund.**

(10) Notwithstanding subsections (8) and (9), in the case of a supervised loan that is not secured by an interest in land, if a lender retains any part of a nonrefundable prepaid finance charge charged on a loan that is paid in full by a new loan from the same lender, the following apply:

(a) If the loan is paid in full by the new loan within three (3) months after the date of the prior loan, the lender may not charge a nonrefundable prepaid finance charge on the new loan, or, in the case of a revolving loan, on the increased credit line.

(b) The lender may not assess more than two (2) nonrefundable prepaid finance charges in any twelve (12) month period.

(c) Subject to subdivisions (a) and (b), if a supervised loan that is entered into by a lender and a debtor before July 1, 2020, is paid in full by a new loan from the same lender after June 30, 2020, the lender may contract for and receive a nonrefundable prepaid finance charge in the amount set forth in subsection (8) for loan agreements entered into after June 30, 2020.

(11) In the case of a supervised loan that is secured by an interest in land, this section does not prohibit a lender from contracting for and receiving a fee for preparing deeds, mortgages, reconveyances, and similar documents under section 202(1)(d)(ii) of this chapter, in addition to the nonrefundable prepaid finance charge provided for in subsection (8).

SECTION 17. IC 24-4.5-4-107, AS AMENDED BY P.L.141-2005, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 107. Maximum Charge by Creditor for Insurance - (1) Except as provided in subsection (2), if a creditor contracts for or receives a separate charge for insurance, the amount charged to the debtor for the insurance may not exceed the premium to be charged by the insurer, as computed at the time the charge to the debtor is determined, conforming to any rate filings required by law and made by the insurer with the insurance commissioner.

(2) A creditor who provides consumer credit insurance in relation to a revolving charge account (**as defined in** IC 24-4.5-2-108) or revolving loan account (**as defined in** IC 24-4.5-3-108) may calculate the charge to the debtor in each billing cycle by applying the current premium rate to **one (1) of the following:**

(a) The average daily unpaid balance of the debt in the cycle.

(b) The unpaid balance of the debt or a median amount within a specified range of unpaid balances of debt on approximately the same day of the cycle. The day of the cycle need not be the day used in calculating the credit service charge ~~(IC 24-4.5-2-207)~~ **(IC 24-4.5-2-201(6))** or loan finance charge (IC 24-4.5-3-201 and IC 24-4.5-3-508), but the specified range shall be the range used for that purpose.

(c) The unpaid balances of principal calculated according to the actuarial method. ~~or~~

(d) The amount of the insurance benefit for the cycle.

SECTION 18. IC 24-7-5-12, AS ADDED BY P.L.222-2013, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 12. (a) A lessor may contract for and receive a fee for accepting rental payments by telephone in connection with a rental purchase agreement, if all of the following conditions are met:

(1) The fee is assessed only upon request by the lessee for the underlying payment by telephone service.

(2) The payment by telephone service is not established in advance, under the rental purchase agreement or otherwise, as the expected method for making rental payments under the rental purchase agreement.

(3) The fee does not exceed ~~one dollar and fifty cents ($1.50).~~ **three dollars ($3).**

(4) The lessee retains the right to make rental payments by payment methods in connection with which no additional fee would be assessed or incurred (including in-person payments and payments by mail) as a result of such alternative payment methods.

(5) The fee is contracted for and disclosed by the lessor in the rental purchase agreement.

(6) The lessor posts a sign at each store location disclosing to existing and prospective lessees:

(A) the amount of the fee;

(B) the lessee's right and option to make rental payments by alternative payment methods and not be assessed or incur an additional fee; and

(C) the alternative payment methods offered by the lessor in connection with which no additional fee would be assessed or incurred.

(7) The lessor's books and records provide an audit trail sufficient to allow the department and its examiners to confirm the lessee's compliance with the conditions listed in subdivisions (1) through (6).

(b) A fee may not be charged under this section unless there is interaction between a live employee or representative of the lessor and the lessee.

SECTION 19. [EFFECTIVE UPON PASSAGE] **(a) The legislative council is urged to assign to the interim study committee on**

financial institutions and insurance the task of studying the potential effect of breaking up the Uniform Consumer Credit Code codified at IC 24-4.5.

(b) This SECTION expires January 1, 2021.

SECTION 20. **An emergency is declared for this act.**

P.L.86-2020

[S.398. Approved March 18, 2020.]

AN ACT to amend the Indiana Code concerning education.

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

SECTION 1. IC 20-26-13-10, AS AMENDED BY HEA 1305-2020, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 10. (a) Except as provided in section 11 of this chapter, the four (4) year graduation rate for a cohort in a high school is the percentage determined under STEP FIVE of the following formula:

STEP ONE: Determine the grade 9 enrollment at the beginning of the reporting year three (3) years before the reporting year for which the graduation rate is being determined.

STEP TWO: Add:

(A) the number determined under STEP ONE; and

(B) the number of students who:

(i) have enrolled in the high school after the date on which the number determined under STEP ONE was determined; and

(ii) have the same expected graduation year as the cohort.

STEP THREE: Subtract from the sum determined under STEP TWO the number of students who have left the cohort for any of the following reasons:

(A) Transfer to another public or nonpublic school.

(B) Except as provided in IC 20-33-2-28.6 and subsection (b), removal by the student's parents under IC 20-33-2-28 to provide instruction equivalent to that given in the public schools.

(C) Withdrawal because of a long term medical condition or death.

(D) Detention by a law enforcement agency or the department of correction.

(E) Placement by a court order or the department of child services.

(F) Enrollment in a virtual school.

(G) Leaving school, if the student attended school in Indiana for less than one (1) school year and the location of the student cannot be determined.

(H) Leaving school, if the location of the student cannot be determined and the student has been reported to the Indiana clearinghouse for information on missing children and missing endangered adults.

(I) Withdrawing from school before graduation, if the student is a high ability student (as defined in IC 20-36-1-3) who is a full-time student at an accredited institution of higher education during the semester in which the cohort graduates.

(J) Withdrawing from school before graduation pursuant to providing notice of withdrawal under section 17 of this chapter.

(K) Participating in the high school equivalency pilot program under IC 20-30-8.5, unless the student fails to successfully complete the high school equivalency pilot program in the two (2) year period.

STEP FOUR: Determine the total number of students determined under STEP TWO who have graduated during the current reporting year or a previous reporting year.

STEP FIVE: Divide:

(A) the number determined under STEP FOUR; by

(B) the remainder determined under STEP THREE.

(b) This subsection applies to a high school in which:

(1) for a:

(A) cohort of one hundred (100) students or less, at least ten percent (10%) of the students left a particular cohort for a reason described in subsection (a) STEP THREE clause (B); or

(B) cohort of more than one hundred (100) students, at least five percent (5%) of the students left a particular cohort for a reason described in subsection (a) STEP THREE clause (B); and

(2) the students described in subdivision (1)(A) or (1)(B) are not on track to graduate with their cohort.

A high school must submit a request to the state board in a manner prescribed by the state board requesting that the students described in this subsection be included in the subsection (a) STEP THREE calculation. The state board shall review the request and may grant or deny the request. The state board shall deny the request unless the high school demonstrates good cause to justify that the students described in this subsection should be included in the subsection (a) STEP THREE calculation. If the state board denies the request the high school may not subtract the students described in this subsection under subsection (a) STEP THREE.

SECTION 2. IC 20-26-13-11, AS AMENDED BY HEA 1305-2020, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 11. (a) A student who has left school is not included in clauses (A) through ~~(J)~~ **(K)** of STEP THREE of the formula established in section 10(a) of this chapter unless the school can provide written proof that the student has left the school for one (1) of the reasons set forth in clauses (A) through ~~(J)~~ **(K)** of STEP THREE of section 10(a) of this chapter. If the location of the student is unknown to the school, the principal of the school shall send a certified letter to the last known address of the student, inquiring about the student's whereabouts and status. If the student is not located after the certified letter is delivered or if no response is received, the principal may submit the student's information, including last known address, parent or guardian name, student testing number, and other pertinent data to the state attendance officer. The state attendance officer, using all available state data and any other means available, shall attempt to locate the student and report the student's location and school enrollment status to the principal so that the principal can appropriately

send student records to the new school or otherwise document the student's status.

(b) The department shall conduct a review of each school's graduation cohort on a schedule determined by the department.

(c) If a school cannot provide written proof that a student should be included in clauses (A) through ~~(J)~~ **(K)** of STEP THREE of section 10(a) of this chapter, the student is considered a dropout.

SECTION 3. IC 20-26-13-13, AS AMENDED BY HEA 1305-2020, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 13. For any school that cannot provide written proof supporting the school's determination to include a student under any one (1) of clauses (A) through ~~(J)~~ **(K)** of STEP THREE of section 10(a) of this chapter, the department shall require the publication of the corrected graduation rate in the next school year's report required under IC 20-20-8-3.

SECTION 4. IC 20-26-13-16.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 16.5. (a) A student must be subtracted under clause (K) of STEP THREE of section 10(a) of this chapter when a student transitions from a traditional high school to the high school equivalency pilot program under IC 20-30-8.5.**

(b) This section expires June 30, 2024.

SECTION 5. IC 20-26-20 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]:

Chapter 20. Patriotic Youth Membership Organizations

Sec. 1. As used in this chapter, "organization" means any youth organization listed in Title 36 of the United States Code that has an educational purpose and promotes patriotism and civic involvement.

Sec. 2. As used in this chapter, "public school" means the following:

(1) A school maintained by a school corporation.

(2) A charter school.

Sec. 3. An organization may request that a public school allow representatives of the organization to provide oral, written, or oral and written information regarding the organization, including

information regarding how the organization furthers the educational interests and civic involvement of students consistent with good citizenship and moral instruction provided under IC 20-30-5-6 and IC 20-30-5-5, to students of the public school on school property.

Sec. 4. Upon request by an organization under section 3 of this chapter, a public school shall provide at least one (1) time each school year, a day and time, which may be during the school day as approved by the public school, for the representatives of the organization to provide information to students on school property as described in section 3 of this chapter.

Sec. 5. (a) A public school shall conduct an expanded criminal history check of a representative of an organization before the representative may provide information to students at a public school as described in section 4 of this chapter. The representative may be required to provide a written consent for the public school to conduct the expanded criminal history check. The representative of the organization is responsible for all costs associated with obtaining the expanded criminal history check.

(b) A public school may refuse to allow a representative to provide information as described in section 4 of this chapter if the representative has been convicted of a felony listed in IC 20-28-5-8(c) or IC 20-28-5-8(d).

SECTION 6. IC 20-30-5-7, AS AMENDED BY P.L.97-2019, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 7. (a) Each school corporation shall include in the school corporation's curriculum the following studies:

(1) Language arts, including:
  (A) English;
  (B) grammar;
  (C) composition;
  (D) speech; and
  (E) second languages.
(2) Mathematics.
(3) Social studies and citizenship, including the:
  (A) constitutions;
  (B) governmental systems; and
  (C) histories;

of Indiana and the United States, including an enhanced study of the Holocaust in each high school United States history course. As part of the United States government credit awarded for the general, Core 40, Core 40 with academic honors, and Core 40 with technical honors designation, each high school shall administer the naturalization examination provided by the United States Citizenship and Immigration Services.

(4) Sciences, including, after June 30, 2021, computer science.

(5) Fine arts, including music and art.

(6) Health education, physical fitness, safety, and the effects of alcohol, tobacco, drugs, and other substances on the human body.

(7) Additional studies selected by each governing body, subject to revision by the state board.

(b) Each:

(1) school corporation;

(2) charter school; and

(3) accredited nonpublic school;

shall offer the study of ethnic and racial groups as a one (1) semester elective course in its high school curriculum at least once every school year.

(c) The course described in subsection (b) may be offered by the school corporation, charter school, or accredited nonpublic school through a course access program administered by the department.

(d) Not later than November 1, 2022, and not later than November 1 each year thereafter, the department shall report to the general assembly in an electronic format under IC 5-14-6 the following:

(1) The number of students who took the naturalization examination described in subsection (a)(3).

(2) The number of students who passed the naturalization examination described in subsection (a)(3) by a score of not less than sixty percent (60%) on their first attempt.

(3) The pass rate of the naturalization examination regarding the students who passed as described in subdivision (2).

(e) Not more than thirty (30) days after the department reports to the general assembly the information under subsection (d), the department shall post the pass rate under subsection (d)(3) on the department's Internet web site.

SECTION 7. IC 20-30-8.5 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]:

Chapter 8.5. High School Equivalency Pilot Program

Sec. 1. This section applies to the following school corporations:

(1) Richmond Community Schools.

(2) Metropolitan School District of Washington Township Schools.

(3) Metropolitan School District of Warren Township Schools.

Sec. 2. As used in this chapter, an "eligible student" means a student who has completed less than fifty percent (50%) of the required number of credits necessary to graduate upon entering the student's fourth year of high school or any subsequent semester.

Sec. 3. As used in this chapter, "program" refers to the high school equivalency pilot program established by section 6 of this chapter.

Sec. 4. As used in this chapter, "provider" is a current grantee receiving WIOA Title II money from the department of workforce development and that provides academic instruction and education services at the elementary or high school level that:

(1) include adult education, literacy activities, workplace activities, English language acquisition activities, integrated English literacy and civics education, workforce preparation activities, or integrated education and training;

(2) transition to postsecondary education and training; and

(3) provide an ability to obtain employment.

Sec. 5. As used in this chapter, "WIOA" refers to the federal Workforce Innovation and Opportunity Act.

Sec. 6. (a) The high school equivalency pilot program is established. The purpose of the program is to allow an eligible student to enroll in a program to earn a high school equivalency.

(b) An eligible student who successfully completes the program within two (2) years shall be removed from the graduation cohort and will no longer be counted as a dropout.

(c) Not more than five percent (5%) of a participating school's cohort may participate in the program at one (1) time.

Sec. 7. An eligible student may participate in the program in lieu of meeting the graduation requirements in IC 20-32-4-1.5.

Sec. 8. In addition to successfully achieving their high school equivalency, an eligible student shall:

(1) demonstrate employability skills through a:

(A) project based learning experience;

(B) service based learning experience; or

(C) work based learning experience; and

(2) complete one (1) of the following:

(A) A certification class approved by the department of workforce development.

(B) Indiana specific college ready benchmarks set by the commission for higher education that meet or exceed college ready benchmarks set by the college board and ACT.

(C) Completion of the ASVAB and enlistment and service in one (1) of the branches of the armed forces of the United States.

(D) Entry into an apprenticeship program recognized by the state that includes a post secondary credential upon completion.

Sec. 9. (a) A school corporation may contract with a provider to provide services for the program. However, the program may not receive money from WIOA Title II or state appropriated adult education funding. If contracting with a provider, the school corporation shall ensure the following:

(1) The provider is a WIOA Title II funded organization.

(2) Teachers provided by the provider hold a current teaching license from any state, and teachers of core subjects are qualified in the subjects to which they are assigned.

(3) The provider has provided one (1) or more dropout recovery or high school equivalency programs and testing for at least two (2) years prior to providing a program under this section.

(b) All contracts entered into by a school corporation and a provider shall include requirements for the protection of all personally identifiable student information that shall comply with all applicable state and federal laws and regulations.

Sec. 10. (a) If a school corporation decides to participate in the program, the school corporation shall fund the program from the school corporation's budget or from:

(1) gifts, donations, and bequests;

(2) grants, including federal grants and grants from private entities;

(3) funds from any other source; and

(4) a combination of the resources described in subdivisions (1), (2), and (3).

(b) Not later than sixty (60) days after the identification of the source of the funds, the governing body of a school corporation shall conduct a public hearing at a location within the school corporation to present and discuss the source of the funds. The governing body may conduct the meeting in conjunction with a regular meeting of the governing body.

(c) The school corporation may only use state tuition support received for a student who participates in the program or funds donated to the program to administer the program.

Sec. 11. If an eligible student enrolled in a school corporation participates in the program, the eligible student may not be a student of an adult education center (as described in IC 22-4.1-20) or an adult high school (as defined under IC 20-24-1-2.3).

Sec. 12. Not later than July 1, 2021, and not later than July 1 of each year thereafter, participating school corporations shall submit a report to the general assembly in an electronic format under IC 5-14-6 concerning the program that includes the following:

(1) The number of students eligible for the program.

(2) The number of eligible students who participated in the program.

(3) The number of credits upon entry to the program.

(4) The number of eligible students who successfully achieved their high school equivalency through the program.

(5) A list of credentials earned upon completion of the program.

(6) A report concerning:

(A) eligible students':

(i) job placement outcomes; and

(ii) matriculation into higher education; and

(B) any other information concerning outcomes;

as of one (1) year and two (2) years after an eligible student has successfully completed the program.

(7) Recommendations on improvements to the program.

(8) An estimated cost to each school corporation for the program.

(9) To the extent possible, the use of the funding received by the school corporation for an eligible student participating in the program during the previous school year and metrics of student achievement and demographics, including:

(A) the amount of funding received that was used for each course or program of instruction included in the program;

(B) the amount of funding received that was used for transportation costs for students who participate in the program;

(C) the amount of funding received that was used for any other purposes relating to the cost of education for an eligible student who participated in the program; and

(D) metrics of eligible student achievement and demographic information for those eligible students who participated in the program during the previous school year, including a comparison to the metrics of student achievement and demographic information for those students who were not participants in the program.

(10) Any other relevant consideration.

Sec. 13. This chapter expires June 30, 2024.

SECTION 8. IC 22-4.1-18-3, AS ADDED BY P.L.7-2011, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 3. **(a)** The department shall administer the testing program provided in this chapter. All administrative costs of this program must be funded through appropriations of the general assembly.

(b) The test shall be:

(1) a nationally administered high school equivalency exam utilizing college and career readiness standards that includes subtests of reading, mathematics, science, social studies, and writing; and

(2) available in a pencil and paper and online formats.

(c) The test vendor shall provide:

(1) annual in-person and online training;

(2) an annual national and Indiana statistical report;

(3) a dedicated customer service line;

(4) at least one (1) practice test available in both pencil and paper and online formats;

(5) at least two (2) retests for each subtest, free of charge; and

(6) a nationally based research report on the long term outcomes for candidates who passed the test, which shall be presented to the department, governor's workforce cabinet, the chairman of the house committee on education, and the chairman of the senate committee on education and career development.

SECTION 9. [EFFECTIVE UPON PASSAGE] **(a) The legislative council is urged to assign to an appropriate interim study committee for study during the 2020 interim the topics of:**

(1) whether the state should encourage robotics classes and clubs for students in kindergarten through grade 12; and

(2) if so, what forms that encouragement should take, in any combination of:

(A) one (1) or more programs of grants, competitive prizes, or other funding methods;

(B) additional teacher training;

(C) cooperative arrangements with postsecondary educational institutions; or

(D) other feasible methods.

(b) This SECTION expires January 1, 2021.

SECTION 10. **An emergency is declared for this act.**

P.L.87-2020
[S.405. Approved March 18, 2020.]

AN ACT to amend the Indiana Code concerning labor and safety.

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

SECTION 1. IC 22-15-3-3, AS AMENDED BY P.L.22-2005, SECTION 46, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 3. (a) This section applies only to an application for a design release to construct:

(1) A Class 1 structure with thirty thousand (30,000) or fewer cubic feet of space;

(2) An addition to a Class 1 structure, if the addition adds thirty thousand (30,000) or fewer cubic feet of space;

(3) An alteration to a Class 1 structure, if the alteration does not involve changes affecting the structural safety of the Class 1 structure; or

(4) An installation or alteration of an automatic fire sprinkler system in a Class 1 structure by persons qualified pursuant to rules set forth by the fire prevention and building safety commission.

(b) The design release requirements under subsection (c) do not apply for any construction that is otherwise exempted under 675 IAC 12-6-4(b), even if the construction is:

(1) a part of;

(2) supplemental to; or

(3) an accessory of;

any other construction that would otherwise require a design release.

~~(b)~~ **(c)** To qualify for a design release under this section, an applicant must do the following:

(1) Demonstrate, through the submission of plans and specifications for the construction covered by the application, that

the construction will comply with all applicable building laws and fire safety laws.

(2) Pay the fees set under IC 22-12-6-6.

P.L.88-2020

[S.410. Approved March 18, 2020.]

AN ACT to amend the Indiana Code concerning local government.

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

SECTION 1. IC 6-1.1-17-20.3, AS AMENDED BY P.L.252-2019, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 20.3. (a) Except as provided in section 20.4 of this chapter, this section applies only to the governing body of a public library that:

(1) is not comprised of a majority of officials who are elected to serve on the governing body; and

(2) has a percentage increase in the proposed budget for the taxing unit for the ensuing calendar year that is more than the result of:

(A) the assessed value growth quotient determined under IC 6-1.1-18.5-2 for the ensuing calendar year; minus

(B) one (1).

For purposes of this section, an individual who qualifies to be appointed to a governing body or serves on a governing body because of the individual's status as an elected official of another taxing unit shall be treated as an official who was not elected to serve on the governing body.

(b) This section does not apply to an entity whose tax levies are subject to review and modification by a city-county legislative body under IC 36-3-6-9.

(c) If:

(1) the assessed valuation of a public ~~library~~ **library's territory** is entirely contained within a city or town; or

(2) the assessed valuation of a public ~~library~~ **library's territory** is not entirely contained within a city or town but **more than fifty percent (50%) of the assessed valuation of** the public ~~library was originally established by the city or town;~~ **library's territory is contained within the city or town;**

the governing body shall submit its proposed budget and property tax levy to the city or town fiscal body in the manner prescribed by the department of local government finance before September 2 of a year. However, the governing body shall submit its proposed budget and property tax levy to the county fiscal body in the manner provided in subsection (d), rather than to the city or town fiscal body, if more than fifty percent (50%) of the parcels of real property within the jurisdiction of the public library are located outside the city or town.

(d) If subsection (c) does not apply **or the public library's territory covers more than one (1) county,** the governing body of the public library shall submit its proposed budget and property tax levy to the county fiscal body in the county where the public library has the most assessed valuation. The proposed budget and levy shall be submitted to the county fiscal body in the manner prescribed by the department of local government finance before September 2 of a year.

(e) The fiscal body of the city, town, or county (whichever applies) shall review each budget and proposed tax levy and adopt a final budget and tax levy for the public library. The fiscal body may reduce or modify but not increase the proposed budget or tax levy.

(f) If a public library fails to file the information required in subsection (c) or (d), whichever applies, with the appropriate fiscal body by the time prescribed by this section, the most recent annual appropriations and annual tax levy of that public library are continued for the ensuing budget year.

(g) If the appropriate fiscal body fails to complete the requirements of subsection (e) before the adoption deadline in section 5 of this chapter for any public library subject to this section, the most recent annual appropriations and annual tax levy of the city, town, or county, whichever applies, are continued for the ensuing budget year.

SECTION 2. IC 6-1.1-17-20.4, AS ADDED BY P.L.252-2019, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 20.4. (a) This section applies only if ~~a public library's cash on hand plus its expected revenues~~ **on December 31, as reported in the public library's annual report under IC 5-11-1-4, the cash balance of all funds of the public library derived from tax revenue** is greater than one hundred fifty percent (150%) of the public library's ~~proposed~~ **certified** budget **for the ensuing year.**

~~(b) As used in this section, "cash on hand" refers to the public library's cash and investments balance in nondebt funds as of the date the public library proposes a budget for the following budget year. The term does not include cash derived from gifts, bequests, or philanthropic funds.~~

~~(c) As used in this section, "expected revenues" refers to the total of a public library's expected revenues in the public library's nondebt funds in the following budget year.~~

~~(d)~~ **(b)** ~~Notwithstanding~~ **If** section 20.3(a)(2) of this chapter **does not apply,** the fiscal body of a city, town, or county ~~that established a public library described in section 20.3(a)(1) of this chapter~~ may adopt a resolution to require the public library to submit its proposed budget and property tax levy to the city, town, or county fiscal body as set forth in section 20.3(c) or 20.3(d) of this chapter (whichever is applicable) for binding review and approval as set forth under section 20.3 of this chapter. However, the fiscal body of the city, town, or county may not reduce a public library's proposed budget or tax levy in a budget year under this section by more than ten percent (10%) of the public library's operating levy in the immediately preceding budget year.

~~(e)~~ **(c)** A resolution may be adopted under this section not later than July 1. A resolution adopted under this section remains in full force and effect until ~~repealed by the fiscal body.~~ **the December 31 cash balance of all funds of the public library derived from tax revenue, as reported in the public library's annual report under IC 5-11-1-4, no longer exceed one hundred fifty percent (150%) of the public library's certified budget for the ensuing year.**

~~(f)~~ **(d)** Before a fiscal body may adopt a resolution under this section, the fiscal body must hold a public hearing on the proposed resolution and provide the public with notice of the time and place where the public hearing will be held. The notice required by this

subsection must be given in accordance with IC 5-3-1 and include the proposed resolution. In addition to the notice required by this subsection, the fiscal body shall also provide a copy of the notice to all taxing units in the city, town, or county at least thirty (30) days before the public hearing.

~~(g)~~ **(e)** A resolution adopted by a fiscal body under this section shall be submitted to:

(1) the department of local government finance; and

(2) the public library;

not later than five (5) days after the date the resolution is adopted.

SECTION 3. IC 6-1.1-17-20.6 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 20.6. (a) Each public library shall identify the applicable city, town, or county fiscal body that receives a public library's proposed budget as provided in section 20.3(c) or 20.3(d) of this chapter.**

(b) Not later than October 1, 2020, a public library shall report the applicable city, town, or county fiscal body identified under subsection (a) to the Indiana state library. The report submitted to the state library must contain:

(1) the name of the public library;

(2) the appropriate fiscal body of a city, town, or county to review a library budget under section 20.3(c) or 20.3(d) of this chapter; and

(3) after adoption by the respective board, the signatures of the public library board president and the appropriate fiscal body president.

The Indiana state library shall provide the information submitted to the Indiana state library under this subsection to the department of local government finance by not later than November 1, 2020.

(c) If a fiscal body, other than the fiscal body identified by the public library under subsection (a), objects to the public library's determination under subsection (a), the objecting fiscal body may submit a formal objection to:

(1) the Indiana state library;

(2) the public library; and

(3) the fiscal body identified under subsection (a) by the public library.

(d) If a public library:

(1) is unable to identify the applicable fiscal body under subsection (a);

(2) does not complete the reporting requirements established in subsection (b); or

(3) has a formal objection filed under subsection (c) against the public library's fiscal body designation under subsection (a);

the public library shall file an original action seeking a declaratory judgment in a court with jurisdiction to identify the appropriate fiscal body. The public library shall file a copy of the declaratory judgment with the Indiana state library within thirty (30) days of the court's entry of judgment.

(e) The Indiana state library shall provide the information submitted to the Indiana state library under subsection (b) to the department of local government finance by not later than November 1, 2020.

(f) If there is a change in the territory of the public library:

(1) the public library shall submit a report under subsection (b) to the Indiana state library not later than October 1; and

(2) the Indiana state library shall report the information under subsection (b) to the department of local government finance not later than November 1;

in the year the change in territory becomes effective. Subsections (c) and (d) apply to the public library and to any fiscal body that objects to the public library's designation under subsection (a).

SECTION 4. IC 10-13-3-16, AS AMENDED BY P.L.197-2007, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 16. (a) As used in this chapter, "qualified entity" means a business or an organization, whether public, private, for-profit, nonprofit, or voluntary, that provides care or care placement services.

(b) The term includes the following:

(1) A business or an organization that licenses or certifies others to provide care or care placement services.

(2) A home health agency licensed under IC 16-27-1.

(3) A personal services agency licensed under IC 16-27-4.

(4) A public library (as defined in IC 36-12-1-5).

SECTION 5. IC 36-12-1-14 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 14. A public library shall adopt a policy, not later than December 31, 2020, regarding conducting criminal history checks for individuals who are more than eighteen (18) years of age and who:**

(1) apply to the public library for employment or volunteer work; or

(2) are employed by the public library or perform volunteer work for the public library.

SECTION 6. IC 36-12-2-25, AS AMENDED BY P.L.42-2018, SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 25. (a) The residents or real property taxpayers of the library district taxed for the support of the library may use the facilities and services of the public library without charge for library or related purposes. However, the library board may:

(1) fix and collect fees and rental charges; and

(2) assess fines, penalties, and damages for the:

(A) loss of;

(B) damage to; or

(C) failure to return;

any library property or material.

(b) A library board may issue local library cards to:

(1) residents and real property taxpayers of the library district; and

(2) individuals who are not residents of the library district.

(c) Except as provided in subsection (e), a library board must set and charge a fee for a local library card issued under subsection (b)(2).

(d) The minimum fee that the board may set under subsection (c) is the greater of the following:

(1) The library district's operating fund expenditure per capita in the most recent year for which that information is available in the Indiana state library's annual "Statistics of Indiana Libraries".

(2) Twenty-five dollars ($25).

(e) A library board may issue a local library card without charge or for a reduced fee to an individual who is not a resident of the library district and who is:

(1) a student enrolled in or a teacher in a public school corporation or nonpublic school:

(A) that is located at least in part in the library district; and

(B) in which students in any grade from preschool through grade 12 are educated;

(2) a child receiving foster care services;

~~(2)~~ **(3)** a library employee of the district; or

~~(3)~~ **(4)** a student enrolled in a college or university that is located at least in part of the library district;

if the board adopts a resolution that is approved by an affirmative vote of a majority of the members appointed to the library board.

(f) A library card issued under subsection (b)(2) or (e) may be valid for a maximum of one (1) year after issuance. A card issued under subsection (b)(2) that is valid for less than one (1) year must be sold at a fee prorated to the equivalent of the annual fee prescribed under subsection (d).

SECTION 7. IC 36-12-7-3, AS AMENDED BY P.L.42-2018, SECTION 46, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 3. (a) The residents or real property taxpayers of the library district taxed for the support of the library may use the facilities and services of the public library without charge for library or related purposes. However, the library board may:

(1) fix and collect fees and rental charges; and

(2) assess fines, penalties, and damages for the:

(A) loss of;

(B) damage to; or

(C) failure to return;

any library property or material.

(b) A library board may issue local library cards to:

(1) residents and real property taxpayers of the library district; and

(2) individuals who are not residents of the library district.

(c) Except as provided in subsection (d), a library board must set and charge a fee for a local library card issued under subsection (b)(2). The minimum fee that the board may set under this subsection is the greater of the following:

(1) The library district's operating fund expenditure per capita in the most recent year for which that information is available in the Indiana state library's annual "Statistics of Indiana Libraries".

(2) Twenty-five dollars ($25).

(d) A library board may issue a local library card without charge or for a reduced fee to an individual who is not a resident of the library district and who is:

(1) a student enrolled in or a teacher in a public school corporation or nonpublic school:

(A) that is located at least in part in the library district; and

(B) in which students in any grade preschool through grade 12 are educated;

(2) a child receiving foster care services;

~~(2)~~ **(3)** a library employee of the district; or

~~(3)~~ **(4)** a student enrolled in a college or university that is located in the library district;

if the board adopts a resolution that is approved by an affirmative vote of a majority of the members appointed to the library board.

(e) A library card issued under subsection (b)(2) or (d) expires one (1) year after issuance of the card.

P.L.89-2020

[S.427. Approved March 18, 2020.]

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

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

SECTION 1. IC 25-1-17-8, AS ADDED BY P.L.57-2012, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

JULY 1, 2020]: Sec. 8. (a) Notwithstanding any other law, ~~a board may issue a temporary practice permit or provisional license to a:~~

~~(1) military service applicant; or~~

~~(2) military spouse who is licensed, certified, registered, or issued a permit in another jurisdiction;~~

~~while the military service applicant or military spouse is satisfying certain requirements, as determined by the board, for a license, certificate, registration, or permit under section 4 or 5 of this chapter.~~

~~(b) The military service applicant or military spouse may practice under the temporary practice permit or provisional license issued under subsection (a) until:~~

~~(1) a license, certification, registration, or permit is granted or denied by the board;~~

~~(2) a temporary permit expires; or~~

~~(3) a provisional license holder fails to comply with the terms of the provisional license.~~

an applicant for a license is entitled to a provisional license in the regulated occupation applied for and at the same practice level as determined by the board, without an examination, if all of the following conditions are met:

(1) The person submits a signed affidavit affirming, under the penalties for perjury, the following:

(A) The person is the spouse of an active duty member of the armed forces assigned to Indiana.

(B) The person is in good standing in all states in which the person holds a license for the regulated occupation applied for.

(C) The person has not had a license revoked and has not voluntarily surrendered a license in another state or country while under investigation for unprofessional conduct.

(D) The person has not had discipline imposed by the regulating entity for the regulated occupation in another state or country.

(E) The person does not have an investigation pending before the regulating entity in another state or country that relates to unprofessional conduct.

(2) The person submits verification that the person is currently licensed in at least one (1) other state in the regulated occupation applied for.

(3) The person submits to a national criminal history background check (as defined in IC 25-1-1.1-4) and does not have a disqualifying criminal history as determined by the board.

(4) The person has submitted an application for a license with the board and has paid any application fee.

(b) An applicant who has met the requirements in subsection (a) shall be issued a provisional license not more than thirty (30) days after the requirements are met.

(c) A provisional license expires three hundred sixty-five (365) days after it is issued.

(d) In addition to any other penalties for perjury, a person who violates this section commits a Class A infraction.

(e) If the board discovers that any of the information submitted under this section is false, the board may immediately revoke the person's provisional license.

(f) This section does not apply to a license that is established by or recognized through an interstate compact, a reciprocity agreement, or a comity agreement that is established by a board or a law.

(g) This section does not prohibit an individual from proceeding under other licensure, certification, registration, or permit requirements established by a board or a law.

P.L.90-2020
[S.433. Approved March 18, 2020.]

AN ACT to amend the Indiana Code concerning natural resources.

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

SECTION 1. IC 14-28-1-23 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2020 (RETROACTIVE)]: Sec. 23. (a) The director may remove or eliminate a structure, an obstruction, a deposit, or an excavation in a floodway that:

(1) adversely affects the efficiency of or unduly restricts the capacity of the floodway;

(2) constitutes an unreasonable hazard to the safety of life or property; or

(3) is unreasonably detrimental to fish, wildlife, or botanical resources;

by an action in condemnation.

(b) In assessing the damages in the proceedings, the appraisers and the court shall take into consideration whether the structure, obstruction, deposit, or excavation is legally in or on the floodway.

(c) Beginning January 1, 2020, the director shall not exercise the authority under subsection (a) to remove or eliminate an abode or residence from a floodway if:

(1) the abode or residence was constructed before January 1, 2020;

(2) the owner of the abode or residence has taken necessary measures to elevate the lowest floor of the abode or residence, as reconstructed, including the basement, to at least two (2) feet above the one hundred (100) year flood elevation within two (2) years after receiving notification from the department concerning the abode or residence; and

(3) the owner of the abode or residence has taken necessary measures to comply with all applicable local, state, and federal floodway regulations.

SECTION 2. **An emergency is declared for this act.**

P.L.91-2020
[S.438. Approved March 18, 2020.]

AN ACT to amend the Indiana Code concerning agriculture and animals.

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

SECTION 1. IC 15-16-4-3, AS ADDED BY P.L.2-2008, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. As used in this chapter, "adulterated" refers to a pesticide or pesticide product if:

(1) the strength or purity of the pesticide ~~falls below~~ **does not meet** the professed standard or quality as expressed on its labeling under which it is sold;

(2) any substance has been substituted wholly or in part for the pesticide product; or

(3) any valuable constituent of the pesticide product has been wholly or in part removed.

SECTION 2. IC 15-16-4-10, AS ADDED BY P.L.2-2008, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. As used in this chapter, "device" means any instrument or contrivance intended for trapping, destroying, repelling, or mitigating ~~insects or rodents or destroying, repelling, or mitigating~~ any pest. The term does not include:

(1) equipment used for the application of pesticides when sold separately from the pesticides;

(2) firearms; or

(3) simple mechanical devices, including barriers, traps, or adhesives, or other simple contrivances that are not subject to this chapter as determined by the pesticide review board.

SECTION 3. IC 15-16-4-14, AS ADDED BY P.L.2-2008, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 14. As used in this chapter, ~~"fungi" means all nonchlorophyll-bearing thallophytes (all nonchlorophyll-bearing plants of a lower order than mosses and liverworts), including:~~

~~(1) rusts;~~

~~(2) smuts;~~

~~(3) mildews;~~

~~(4) molds;~~

~~(5) yeasts;~~

~~(6) bacteria; and~~

~~(7) viruses;~~

~~except those on or in a living human or other animal.~~ **"fungus" has the meaning set forth in IC 15-16-5-14.**

SECTION 4. IC 15-16-4-18, AS ADDED BY P.L.2-2008, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 18. As used in this chapter, "immediate container" means the part of a container that is in direct contact with a pesticide. ~~product.~~ **In the case of a pesticide product that is a device, the term includes the device itself.**

SECTION 5. IC 15-16-4-28, AS ADDED BY P.L.2-2008, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 28. As used in this chapter, "person" means: ~~any:~~

(1) **an** individual;

(2) **a** partnership;

(3) **an** association;

(4) **a** fiduciary;

(5) **a** corporation; or

(6) **an** organized group of persons;

whether incorporated or not.

SECTION 6. IC 15-16-4-34, AS ADDED BY P.L.2-2008, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 34. As used in this chapter, "plant regulator"

means any substance or mixture of substances, intended through physiological action, for:

(1) accelerating or retarding the rate of growth or rate of maturation; or

(2) altering the behavior of ornamental or crop plants or the produce of ornamental or crop plants.

The term does not include substances ~~to the extent they~~ **that** are intended **solely** as plant nutrients, trace elements, nutritional chemicals, plant inoculants, and soil amendments.

SECTION 7. IC 15-16-4-56, AS ADDED BY P.L.2-2008, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 56. For more than one (1) pesticide product to be considered the same pesticide product, each pesticide product must exhibit the same:

(1) product name;

(2) registrant name;

(3) United States Environmental Protection Agency registration number, ~~and~~ **if applicable;**

(4) labeling, **claims, and branding; and**

(5) ingredient statement.

SECTION 8. IC 15-16-4-61, AS ADDED BY P.L.2-2008, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 61. (a) Each pesticide product that is:

(1) produced, distributed, sold, displayed, or offered for sale within Indiana; or

(2) delivered for transportation or transported:

(A) in intrastate commerce; or

(B) between points within Indiana through any point outside Indiana;

must be registered in the office of the state chemist.

(b) The application for registration must be made on a form provided by the state chemist that includes the following information:

(1) The name and address of the:

(A) applicant; and

(B) person whose name will appear on the label, if a person other than the applicant.

(2) The complete brand name of the pesticide **product.**

(3) A complete copy of the labeling accompanying the pesticide **product.**

~~(4) A statement of all claims to be made for it, including directions for use.~~

~~(5) If requested by the state chemist, a full description of the tests made and the results of the tests upon which the claims are based. In the case of renewal of registration, a statement shall be required only with respect to information that is different from that furnished when the pesticide was registered or last reregistered.~~

SECTION 9. IC 15-16-4-62, AS AMENDED BY P.L.99-2012, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 62. (a) Each registrant shall pay an annual, nonrefundable **application** fee of one hundred seventy dollars ($170) for each application for each pesticide product submitted for registration **or reregistration.**

(b) Each registration expires January 1 of each year.

(c) All fees collected by the state chemist under this chapter shall be paid to the treasurer of Purdue University, who shall deposit the fees in a special restricted account designated by the treasurer of the board of trustees of Purdue University.

(d) From the account described in subsection (c), the treasurer shall pay all expenses incurred in administering this chapter, including expenses for the following:

(1) The employment of:

(A) inspectors;

(B) investigators;

(C) researchers;

(D) analysts;

(E) administrators; and

(F) clerical and service staff.

(2) Expenses in procuring samples and printing results of inspections.

(3) Purchasing:

(A) supplies;

(B) equipment; and

(C) services.

(4) Necessary remodeling.

(5) Other expenses of the office of the state chemist.

(6) The transfer of ten dollars ($10) from each fee paid under subsection (a) on an annual basis to the office of Purdue pesticide programs to provide education about the safe and effective use of pesticides.

The treasurer is not required to use any other funds, except those collected as registration fees, to pay any expenses incurred in the administration of this chapter. The dean of agriculture shall make an annual financial report to the governor showing total receipts and expenditures of all fees received under this chapter.

(e) A registrant who registers or pays an annual fee after December 31 of any year shall pay a late fee of one hundred seventy dollars ($170) as well as the annual fee.

(f) Excess funds from the collection of fees under this chapter are subject to IC 15-16-2-36.

SECTION 10. IC 15-16-4-64, AS ADDED BY P.L.120-2008, SECTION 69, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 64. (a) The state chemist ~~shall~~ **may** require the submission of the complete formula of any pesticide product, including: ~~the:~~

(1) **the** confidential statement of formula;

(2) **the** analytical methods for the analysis of the pesticide formulation and the analysis of residues of the pesticide product in environmental media; ~~and~~

(3) **the** analytical standards of the pesticide product;

(4) the safety data sheet;

(5) the physical sample of the pesticide product; and

(6) a statement of all claims to be made for the pesticide product, including a full description of the tests made and the results of the tests upon which the claims are based.

In the case of a federally registered product, this requirement may be waived.

(b) The state chemist shall register a pesticide product if:

(1) the state chemist determines that the composition of the pesticide product warrants the proposed claims for the pesticide product;

(2) the pesticide product, its labeling, and other material required to be submitted comply with the requirements of section 61 of this chapter; and

(3) the state chemist determines that the person submitting the application for registration has complied with the requirements of this chapter, **including satisfying all outstanding judgments resulting from a violation of this chapter, after any action has been finalized under section 64.5 of this chapter.**

(c) The state chemist shall notify the applicant that the pesticide product, labeling, or other material required to be submitted fails to comply with the law if the state chemist determines:

(1) that the proposed claims for the pesticide product; or

(2) the pesticide product, its labeling, and other material required to be submitted;

does not comply with this chapter, **including satisfying all outstanding judgments resulting from a violation of this chapter, after any action has been finalized under section 64.5 of this chapter.**

(d) If the state chemist notifies an applicant under subsection (c), the state chemist shall give the applicant an opportunity to make the necessary corrections. If upon receipt of notice, the applicant does not make the corrections, the state chemist may refuse to register the pesticide product.

(e) The state chemist, in accordance with the procedures specified in this section, may deny, suspend, or cancel the registration of a pesticide whenever the state chemist determines that:

(1) the pesticide product;

(2) the pesticide product's labeling; or

(3) the person submitting the application for registration of the pesticide product;

does not comply with this chapter, **including satisfying all outstanding judgments resulting from a violation of this chapter, after any action has been finalized under section 64.5 of this chapter.**

(f) If:

(1) an application for registration is refused; or

(2) the state chemist proposes to deny, suspend, or cancel a registration;

notice of the action and information concerning the person's right to obtain a review under section 64.5 of this chapter must be given to the applicant or registrant.

SECTION 11. IC 15-16-4-69, AS ADDED BY P.L.2-2008, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 69. (a) Subject to this section, if a person violates this chapter or a rule adopted under this chapter, the state chemist under IC 4-21.5-3-6 may warn, cite, or impose a civil penalty on the person or:

(1) deny;
(2) suspend;
(3) revoke; or
(4) amend;

the person's registration under this chapter.

(b) The state chemist may impose civil penalties **under this section** only in accordance with the schedule of civil penalties adopted by the board. The board shall establish a schedule of the civil penalties that may be imposed under subsection (a) by rule adopted under IC 4-22-2. The rule adopted under this subsection may not provide for a civil penalty that exceeds the following:

(1) Two hundred fifty dollars ($250) for a person's first violation.
(2) Five hundred dollars ($500) for a person's second violation.
(3) One thousand dollars ($1,000) for a person's third violation and each subsequent violation.

~~(c) If a violation is of a continuing nature, the state chemist may impose a civil penalty for each day that the violation occurred.~~

~~(d)~~ **(c)** A proceeding under IC 4-21.5-3 that involves the imposition of a civil penalty may be consolidated with any other proceeding commenced under IC 4-21.5 to enforce this chapter or the rules adopted under this chapter.

~~(e)~~ **(d)** Money collected for civil penalties imposed under this section shall be credited to the office of Purdue pesticide programs. The money may be used only to provide education about pesticides.

SECTION 12. IC 15-16-4-73, AS ADDED BY P.L.120-2008, SECTION 72, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 73. (a) Except as provided in subsection (f), if the state chemist:

(1) finds any pesticide product:

(A) upon any premises; or

(B) in any means of conveyance;

where it is held for purposes of, or during or after, distribution or sale; and

(2) determines that the pesticide product:

(A) is in violation of this chapter; or

(B) has been or is intended to be:

(i) distributed;

(ii) sold; or

(iii) used;

in violation of this chapter;

the state chemist may issue an order under subsection (b).

(b) The state chemist may issue a written or printed:

(1) stop sale;

(2) use; or

(3) removal;

order to the owner or custodian of a pesticide product.

(c) Except as provided in subsection (d), after receiving an order under subsection (b), the owner or custodian of a pesticide product may not:

(1) sell;

(2) use; or

(3) remove;

the pesticide product described in the order.

(d) The owner or custodian of a pesticide product who receives an order under subsection (b) may:

(1) sell;

(2) use; or

(3) remove;

the pesticide product only in accordance with the order or until the pesticide product is released in writing by the state chemist or by order of a court.

(e) When a stop sale order is issued under subsection (b), the state chemist shall ~~immediately~~ issue a notification to the dealer or registrant of the pesticide product **within thirty (30) days** that states the following:

(1) A stop sale order has been issued on the pesticide product.

(2) A reference to the specific language of the law or rule that is believed to have been violated.

(f) Labels of pesticide devices may be submitted to the state chemist for ~~approval~~ **evaluation of the need for registration under this chapter** before the sale of the pesticide device.

SECTION 13. IC 15-16-5-7, AS ADDED BY P.L.2-2008, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. As used in this chapter, "commercial applicator" means a certified applicator, whether or not a private applicator with respect to some uses, who uses or supervises the use of ~~pesticides~~ **pesticide products** for any purpose or on any property other than as provided by section 30 of this chapter.

SECTION 14. IC 15-16-5-10, AS ADDED BY P.L.2-2008, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. As used in this chapter, "device" ~~means any instrument or contrivance, other than a firearm, that is intended for trapping, destroying, repelling, or mitigating any pest or any other form of plant or animal life other than bacteria, viruses, or other microorganisms on or in living humans or other living animals. The term does not include equipment used for the application of pesticides when sold separately from the pesticides.~~ **has the meaning set forth in IC 15-16-4-10.**

SECTION 15. IC 15-16-5-16, AS ADDED BY P.L.2-2008, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 16. As used in this chapter, "licensed applicator for hire" means any licensed certified commercial applicator who is employed by a licensed pesticide business to use or to supervise the use of any pesticide **product** on the property of another and who has assumed direct responsibility for the use or supervision of the use of ~~pesticides~~ **pesticide products** by the business.

SECTION 16. IC 15-16-5-19, AS ADDED BY P.L.2-2008, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 19. As used in this chapter, "licensed pesticide business" means any licensed person that owns, operates, or manages a business that is engaged in or professes to be engaged in:

(1) using any pesticide **product,** including restricted use pesticides; or

(2) making diagnostic inspections or reports to determine infestations of wood destroying pests.

SECTION 17. IC 15-16-5-29, AS ADDED BY P.L.2-2008, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 29. As used in this chapter, "plant regulator" ~~means any substance or mixture of substances intended, through physiological action, for:~~

~~(1) accelerating or retarding the rate of growth or rate of maturation; or~~

~~(2) altering the behavior of plants or the produce of plants.~~

~~The term does not include substances to the extent they are intended as plant nutrients, trace elements, nutritional chemicals, plant inoculants, or soil amendments.~~ **has the meaning set forth in IC 15-16-4-34.**

SECTION 18. IC 15-16-5-34, AS ADDED BY P.L.2-2008, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 34. As used in this chapter, "restricted use pesticide" ~~means:~~

~~(1) any pesticide classified as restricted by the administrator of the United States Environmental Protection Agency; or~~

~~(2) a pesticide that the board has determined to be unduly hazardous to persons, animals, plants, wildlife, waters, or lands other than the pests the pesticide is intended to prevent, destroy, control, or mitigate.~~

has the meaning set forth in IC 15-16-4-37.

SECTION 19. IC 15-16-5-39.6 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 39.6. The board shall establish a working group to review civil penalties. Before December 1, 2020, the working group shall make recommendations concerning civil penalties to the:**

(1) board; and

(2) general assembly in an electronic format under IC 5-14-6.

SECTION 20. IC 15-16-5-45, AS ADDED BY P.L.2-2008, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 45. (a) The state chemist shall adopt rules to establish categories and qualifications to certify and license persons to use pesticides and to make diagnostic inspections and reports for wood destroying pests under this chapter. Each category is subject to separate

testing procedures and requirements. A person is not required to pay an additional license fee if the person desires to be licensed in more than one (1) of the license categories provided for by the state chemist under this section.

(b) The state chemist, in adopting rules under this section, shall establish **examination content and** standards for the certification of persons who use pesticides or who make diagnostic inspections and reports for wood destroying pests. The **examination content and** standards must relate to **the following:**

(1) The hazards involved in the use and handling of pesticides, or ~~to~~ the use and handling of the pesticide or class of pesticides covered by the individual's certification.

(2) The job responsibilities of the individual using pesticides that are covered by the individual's certification.

(3) Any relevant information addressed in 40 CFR Part 171.

~~and must be relative to the hazards involved. In determining standards, the state chemist shall consider the characteristics of the pesticide formulation, including the acute dermal and inhalation toxicity, the persistence, mobility, and susceptibility to biological concentration, the use experience that may reflect an inherent misuse or an unexpected good safety record that does not always follow laboratory toxicological information, the relative hazards of patterns of use, including granular soil applications, ultra-low volume or dust aerial applications, or air blast sprayer applications, and the extent of the intended use. The state chemist shall observe the relevant regulations of Section 4 of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 135 et seq.).~~

(c) The state chemist may require a person certified under this chapter as a commercial applicator or a private applicator to renew the person's certification, under requirements and standards established by the state chemist, to assure that the person maintains a level of competence and ability to use pesticides safely and properly.

(d) An individual who is certified and licensed under this chapter must be at least eighteen (18) years of age, as proven by a valid government issued identification or an equivalent form of identification.

SECTION 21. IC 15-16-5-47, AS ADDED BY P.L.2-2008, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

UPON PASSAGE]: Sec. 47. (a) A license issued under this chapter is not transferable except in the event of disability or death of the licensee. The state chemist may transfer a license **to an individual who is a certified applicator** by issuing a temporary permit to provide for the operation of the business until the expiration of the permanent license.

(b) A ~~certificate~~ **certification** issued under this chapter is not transferable.

SECTION 22. IC 15-16-5-48, AS ADDED BY P.L.120-2008, SECTION 75, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 48. (a) Subject to section 55 of this chapter, a person may not engage in or profess to engage in the business of:

(1) using a pesticide; or

(2) making diagnostic inspections or reports to determine infestations of wood destroying pests;

on the property of another for hire at any time without a pesticide business license issued by the state chemist. The state chemist shall require an annual license fee of forty-five dollars ($45) for each pesticide business license that is issued.

(b) A pesticide business license must be obtained for each **unique** business location **or business name** from which pesticide use or application is conducted.

(c) The application for a license must be on a form provided by the state chemist. Each application must contain information necessary for the administration of this chapter.

(d) The state chemist may not issue a pesticide business license until the applicant or a pesticide applicator in the applicant's hire who uses or supervises the use of a pesticide on the property of another is certified by passing an examination to demonstrate to the state chemist the applicant's or applicator's knowledge of the:

(1) use of pesticides under the category for which the applicant or applicator has applied; and

(2) nature and effect of pesticides the applicant or applicator may apply under the categories.

At least one (1) licensed applicator for hire must be associated with each location from which pesticides are used for hire.

(e) The state chemist may renew any pesticide business license.

(f) Subject to subsections (a), (b), (c), and (d) and section 65 of this chapter, if:

(1) the state chemist finds the applicant qualified to engage in the business of using pesticides or making diagnostic inspections or reports to determine infestations of wood destroying pests on the property of another;

(2) the applicant files evidence of financial responsibility required under section 58 of this chapter; and

(3) the applicant applying for a license involving aerial application of pesticides has met all of the requirements of:

(A) the Federal Aviation Administration;

(B) the Indiana department of transportation; and

(C) any other applicable federal or state statutes or regulations to operate the equipment described in the application;

the state chemist may issue a pesticide business license limited to the categories for which the applicant or a pesticide applicator in the applicant's hire is qualified. The license expires January 1 of the year following issue unless it has been invalidated, revoked, or suspended earlier by the state chemist. A surety bond or certificate of liability insurance in force or certificate of financial responsibility required under section 58 of this chapter must be maintained and in effect on a continuing basis.

(g) The state chemist may limit a license or the operation of a business to the use of certain pesticides, or to certain areas, or to certain types of equipment if the applicant is only so qualified.

(h) If a license is not issued as applied for, the state chemist shall inform the applicant in writing of the reasons the license was not issued.

SECTION 23. IC 15-16-5-55, AS ADDED BY P.L.2-2008, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 55. Section 48 of this chapter relating to **pesticide business** licenses and requirements for their issuance does not apply to the following:

(1) A farmer who applies pesticides for the farmer's own use or with ground equipment or manually for the farmer's neighbors if:

(A) the farmer operates farm property and operates and maintains pesticide application equipment primarily for the farmer's own use;

(B) the farmer is not engaged in the business of applying pesticides for hire and the farmer does not publicly profess to be a pesticide business;

(C) the farmer operates the farmer's pesticide application equipment only in the vicinity of the farmer's own property and for the accommodation of the farmer's neighbors **without any compensation;** and

(D) the farmer is certified as a private applicator if the farmer uses restricted use pesticides.

(2) A veterinarian who uses pesticides as an incidental part of the veterinarian's practice, if the veterinarian is not regularly engaged in or does not profess to be engaged in the business of using pesticides for hire.

(3) Research personnel applying **general use** pesticides only to bona fide experimental plots.

(4) A person who uses nonrestricted general use pesticides for purposes of disinfecting or sanitizing, unless a license is required by a rule established by the board.

SECTION 24. IC 15-16-5-59, AS ADDED BY P.L.120-2008, SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 59. (a) Commercial applicators, **private applicators,** and licensed pest inspectors shall maintain records concerning:

(1) the application of restricted use pesticides;

(2) the application of pesticides for hire;

(3) the application of pesticides on golf courses;

(4) the application of pesticides on school property;

~~(2)~~ **(5)** diagnostic inspections to determine infestations of wood destroying pests; and

~~(3)~~ **(6)** any relevant information that the state chemist determines by rule is necessary for purposes of this chapter.

~~(b) The state chemist may require certified applicators to maintain records related to applications of state restricted pesticide uses.~~

~~(c)~~ **(b)** Records required under this section must be kept for:

(1) two (2) years after the date of the inspection or the application of the pesticide; or

(2) the time specified by rule.

~~(d)~~ **(c)** The state chemist shall be provided access to the records ~~by the commercial applicator or licensed pest inspector.~~ **required to be maintained under this section.**

SECTION 25. IC 15-16-5-65, AS AMENDED BY P.L.99-2012, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 65. Subject to section 66 of this chapter, the state chemist under IC 4-21.5-3-6 may warn, cite, or impose a civil penalty on a person for a violation under this chapter. The state chemist may also deny, suspend, revoke, or modify any provision of any license, permit, registration, or certification issued under this chapter if the state chemist finds that the applicant or the holder of a license, permit, registration, or certification has committed any of the following acts, each of which is a violation of this chapter:

(1) Made false or fraudulent claims either verbally or through any media misrepresenting the effect of pesticide products or methods to be used.

(2) Recommended, used, or supervised the use of any registered pesticide product in a manner inconsistent with its labeling approved by the United States Environmental Protection Agency or Indiana state registration for that pesticide, or in violation of the United States Environmental Protection Agency or Indiana state restrictions on the use of that pesticide product.

(3) Used known ineffective or improper pesticide products or known ineffective amounts of pesticides.

(4) Operated faulty or unsafe equipment.

(5) Operated in a careless or negligent manner.

(6) Neglected or, after notice, refused to comply with this chapter, the rules adopted under this chapter, or of any lawful order of the state chemist or the board.

(7) Refused or neglected to:

(A) keep and maintain the records required by this chapter; or

(B) make reports and supply information when required or requested by the state chemist in the course of an investigation or inspection.

(8) Made false or fraudulent records, invoices, or reports.

(9) Engaged in or professed to be engaged in the business of:

(A) using a pesticide or any other product regulated under this chapter or by rules adopted under this chapter; or

(B) making a diagnostic inspection to determine infestations of a wood destroying pest;

for hire on the property of another without having a business license issued by the state chemist.

(10) Used ~~a restricted use~~ **or supervised the use of a** pesticide **product that is required to be used under this chapter by a person who is certified, licensed, or permitted** without having ~~an applicator,~~ **a person** who is **certified,** licensed, or permitted under this chapter ~~in direct supervision.~~ **conducting the use.**

(11) Used fraud or misrepresentation in ~~making an application~~ **the qualification or application** for, or renewal of, a license, permit, registration, or certification.

(12) Refused or neglected to comply with any limitations or restrictions on or in a duly issued license, permit, registration, or certification.

(13) Aided or abetted a person to evade this chapter, conspired with a person to evade this chapter, or allowed a license, permit, registration, or certification to be used by another person.

(14) Made false or misleading statements during or after an inspection concerning any infestation or infection of pests.

(15) Impersonated any federal, state, county, or city inspector, investigator, or official.

(16) Knowingly purchased or used a pesticide product that was not registered under IC 15-16-4.

(17) Failed to continuously maintain financial responsibility required under section 58 of this chapter or to provide proof of financial responsibility to the state chemist when requested.

(18) Intentionally altered a duly issued license, permit, registration, or certification.

(19) Recklessly, knowingly, or intentionally impeded or prevented the state chemist or the state chemist's agent from performing a duty of the state chemist.

SECTION 26. IC 15-16-5-66, AS ADDED BY P.L.2-2008, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 66. (a) The state chemist may impose civil penalties **under this section** only in accordance with the schedule of civil penalties adopted by the board.

(b) The board shall establish a schedule of civil penalties that may be imposed under section 65 of this chapter by rule adopted under IC 4-22-2. The rule adopted under this subsection may not provide for a civil penalty that exceeds the following:

(1) For a violation committed by a person who is required to be certified as a private applicator, one hundred dollars ($100).

(2) For a violation by a person who is not described in subdivision (1), the following:

(A) Two hundred fifty dollars ($250) for a person's first violation.

(B) Five hundred dollars ($500) for a person's second violation.

(C) One thousand dollars ($1,000) for a person's third violation and each subsequent violation.

~~(c) If a violation is of a continuing nature, the state chemist may impose a civil penalty for each day that the violation occurred.~~

~~(d)~~ **(c)** A proceeding under IC 4-21.5-3 that involves a civil penalty may be consolidated with any other proceeding commenced under IC 4-21.5 to enforce this chapter or the rules adopted under this chapter.

~~(e)~~ **(d)** Money collected for civil penalties imposed under section 65 of this chapter shall be credited to the office of Purdue pesticide programs. The money may be used only to provide education about pesticides.

SECTION 27. [EFFECTIVE UPON PASSAGE] **(a) As used in this SECTION, "policy" refers to the FY 2019 pesticide enforcement response policy developed by the state chemist.**

(b) The state chemist shall suspend its enforcement of the policy.

(c) This SECTION expires July 1, 2021.

SECTION 28. **An emergency is declared for this act.**

P.L.92-2020
[H.1003. Approved March 18, 2020.]

AN ACT to amend the Indiana Code concerning education.

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

SECTION 1. IC 4-3-27-11, AS AMENDED BY P.L.143-2019, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. (a) As used in this section, "high school" means a high school (as defined in IC 20-18-2-7) that is:

(1) maintained by a school corporation;

(2) a charter school; or

(3) ~~an~~ **a state** accredited nonpublic school **(as defined in IC 20-18-2-18.7).**

(b) Not later than July 1, 2019, the cabinet shall develop a comprehensive career navigation and coaching system for Indiana that does both of the following:

(1) Provides timely, comprehensive, relevant, and useful information on careers, including at least:

(A) general and industry sector based regional, state, national, and global information to identify both immediate and potential career opportunities arising from:

(i) current employer needs;

(ii) developing or foreseeable talent needs and trends; and

(iii) other factors identified by the cabinet;

(B) state, regional, and local labor market supply and demand information from the department of workforce development, industry sectors, and other verifiable sources; and

(C) educational requirements and attainment information from employers, the department of workforce development, and other verifiable sources.

(2) Establishes strategies and identifies capacity to deliver career navigation and coaching to middle school, high school,

postsecondary, and adult students, with priority being given to middle school and high school students, including at least:

(A) processes for identifying an individual's aptitude for and interest in, and the education and training required for, various career and employment opportunities;

(B) the use of career coaches and other coaching resources, including the work one system, employers, Ivy Tech Community College, Vincennes University, and other postsecondary educational institutions; and

(C) qualifications for career coaches and a training program to enable the career coaches to provide relevant information to the individuals being served.

(c) All high schools in Indiana shall participate in the career coaching program developed under subsection (b)(2).

(d) In developing the comprehensive career navigation and coaching system under subsection (b)(2), the cabinet shall:

(1) receive cooperation, support, and assistance from:

(A) the department of workforce development, the Indiana commission for higher education, and the department of education; and

(B) the resources, providers, and institutions that the departments and the commission listed in clause (A) use and oversee;

(2) explore approaches and models from Indiana and other states and countries;

(3) where appropriate, use pilot programs or other scaling approaches to develop and implement the comprehensive career navigation and coaching system in a cost effective and efficient manner; and

(4) work to coordinate and align resources to produce effective and efficient results to K-12 educational systems, postsecondary educational systems, the workforce development community, employers, community based organizations, and other entities.

(e) The cabinet shall initially:

(1) focus on:

(A) students in, or of the age to be in, the last two (2) years of high school; and

(B) working age adults; and

(2) use, to the extent possible, the department of workforce development, the K-12 educational system, Ivy Tech Community College, Vincennes University, and other existing resources to implement the comprehensive career navigation and coaching system with a later expansion of the system, as appropriate, to all K-12 and postsecondary schools and institutions and their students.

(f) Not later than July 1, 2019, the cabinet shall submit to:

(1) the governor;

(2) the commission for higher education;

(3) the state board of education; and

(4) the general assembly in an electronic format under IC 5-14-6;

operating and funding recommendations to implement the comprehensive career navigation and coaching system.

SECTION 2. IC 5-2-10.1-13, AS ADDED BY P.L.211-2018(ss), SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 13. A charter school (as defined in IC 20-24-1-4) or ~~an~~ **a state** accredited nonpublic school **(as defined in IC 20-18-2-18.7)** may do one (1) or more of the following:

(1) Designate an individual to serve as the school safety specialist for the school and comply with section 9 of this chapter.

(2) Establish a school safety plan in accordance with this chapter.

(3) Establish a safe school committee as described under section 12 of this chapter.

SECTION 3. IC 5-3-1-3, AS AMENDED BY P.L.238-2019, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 3. (a) Within sixty (60) days after the expiration of each calendar year, the fiscal officer of each civil city and town in Indiana shall publish an annual report of the receipts and expenditures of the city or town during the preceding calendar year.

(b) Not earlier than August 1 or later than August 15 of each year, the secretary of each school corporation in Indiana shall publish **either:**

(1) an annual financial report; **or**

(2) a summary of the annual financial report with a description of how to find and view the full annual fiscal report on the Internet. The summary must include the following:

(A) The total amounts for:

(i) approved budget receipts for each property tax fund and the total for the approved budget receipts for all of the property tax funds combined; and

(ii) actual receipts for each property tax fund and the total for the approved budget receipts for all of the property tax funds combined.

(B) The total amounts for:

(i) approved budget expenditures for each property tax fund and the total for the approved budget expenditures for all of the property tax funds combined; and

(ii) actual expenditures for all property tax funds and the total for the approved budget receipts for all of the property tax funds combined.

(C) The minimum teacher salary range.

(D) The maximum teacher salary range.

(E) High school extracurricular salaries for head athletic coaches and orchestra, music, and band leaders.

(F) The salary ranges for noncertificated employees (as defined in IC 20-29-2-11) classifications.

(G) The:

(i) lowest salary;

(ii) highest salary; and

(iii) average salary;

for a certificated administrative staff employee.

(H) Student enrollment disaggregated by grade level.

(I) The total assessed valuation for property and the property tax rate per property tax fund for the past two (2) years.

(J) The type of indebtedness for the school corporation and the amount of principal that is outstanding.

(c) In the annual financial report the school corporation shall include the following:

(1) Actual receipts and expenditures by major accounts as compared to the budget advertised under IC 6-1.1-17-3 for the prior calendar year.

(2) The salary schedule for all certificated employees (as defined in IC 20-29-2-4) as of June 30, with the number of employees at

each salary increment. However, the listing of salaries of individual teachers is not required.

(3) The extracurricular salary schedule as of June 30.

(4) The range of rates of pay for all noncertificated employees by specific classification.

(5) The number of employees who are full-time certificated, part-time certificated, full-time noncertificated, and part-time noncertificated.

(6) The lowest, highest, and average salary for the administrative staff and the number of administrators without a listing of the names of particular administrators.

(7) The number of students enrolled at each grade level and the total enrollment.

(8) The assessed valuation of the school corporation for the prior and current calendar year.

(9) The tax rate for each fund for the prior and current calendar year.

(10) In the education fund and operations fund, a report of the total payment made to each vendor from each fund in excess of two thousand five hundred dollars ($2,500) during the prior calendar year. However, a school corporation is not required to include more than two hundred (200) vendors whose total payment to each vendor was in excess of two thousand five hundred dollars ($2,500). A school corporation shall list the vendors in descending order from the vendor with the highest total payment to the vendor with the lowest total payment above the minimum listed in this subdivision.

(11) A statement providing that the contracts, vouchers, and bills for all payments made by the school corporation are in its possession and open to public inspection.

(12) The total indebtedness as of the end of the prior calendar year showing the total amount of notes, bonds, certificates, claims due, total amount due from such corporation for public improvement assessments or intersections of streets, and any and all other evidences of indebtedness outstanding and unpaid at the close of the prior calendar year.

(d) The school corporation may provide an interpretation or explanation of the information included in the financial report.

(e) The department of education shall do the following:

(1) Develop guidelines for the preparation and form of the financial report.

(2) Provide information to assist school corporations in the preparation of the financial report.

(f) The annual reports required by this section and IC 36-2-2-19 and the abstract required by IC 36-6-4-13 shall each be published one (1) time only, in accordance with this chapter.

(g) Each school corporation shall submit to the department of education a copy of the financial report required under this section. The department of education shall make the financial reports available ~~for public inspection.~~ **on the department of education's Internet web site.**

(h) As used in this subsection, "bonds" means any bonds, notes, or other evidences of indebtedness, whether payable from property taxes, other taxes, revenues, fees, or any other source. However, the term does not include notes, warrants, or other evidences of indebtedness that have a maturity of not more than five (5) years and that are made in anticipation of and to be paid from revenues of the school corporation. Notwithstanding any other law, a school corporation may not issue any bonds unless the school corporation has filed the annual financial report required under subsection (b) with the department of education. The requirements under this subsection for the issuance of bonds by a school corporation are in addition to any other requirements imposed under any other law. This subsection applies to the issuance of bonds authorized under any statute, regardless of whether that statute specifically references this subsection or the requirements under this subsection.

SECTION 4. IC 6-3-2-22, AS ADDED BY P.L.229-2011, SECTION 85, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2021]: Sec. 22. (a) The following definitions apply throughout this section:

(1) "Dependent child" means an individual who:

(A) is eligible to receive a free elementary or high school education in an Indiana school corporation;

(B) qualifies as a dependent (as defined in Section 152 of the Internal Revenue Code) of the taxpayer; and

(C) is the natural or adopted child of the taxpayer or, if custody of the child has been awarded in a court proceeding to someone other than the mother or father, the court appointed guardian or custodian of the child.

If the parents of a child are divorced, the term refers to the parent who is eligible to take the exemption for the child under Section 151 of the Internal Revenue Code.

(2) "Education expenditure" refers to any expenditures made in connection with enrollment, attendance, or participation of the taxpayer's dependent child in a private elementary or high school education program. The term includes tuition, fees, computer software, textbooks, workbooks, curricula, school supplies (other than personal computers), and other written materials used primarily for academic instruction or for academic tutoring, or both.

(3) "Private elementary or high school education program" means attendance at:

(A) a nonpublic school (as defined in IC 20-18-2-12); or

(B) ~~an~~ **a state** accredited nonpublic school **(as defined in IC 20-18-2-18.7);**

in Indiana that satisfies a child's obligation under IC 20-33-2 for compulsory attendance at a school. The term does not include the delivery of instructional service in a home setting to a dependent child who is enrolled in a school corporation or a charter school.

(b) This section applies to taxable years beginning after December 31, 2010.

(c) A taxpayer who makes an unreimbursed education expenditure during the taxpayer's taxable year is entitled to a deduction against the taxpayer's adjusted gross income in the taxable year.

(d) The amount of the deduction is:

(1) one thousand dollars ($1,000); multiplied by

(2) the number of the taxpayer's dependent children for whom the taxpayer made education expenditures in the taxable year.

A husband and wife are entitled to only one (1) deduction under this section.

(e) To receive the deduction provided by this section, a taxpayer must claim the deduction on the taxpayer's annual state tax return or returns in the manner prescribed by the department.

SECTION 5. IC 9-21-12-20.5, AS ADDED BY P.L.144-2019, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 20.5. (a) As used in this section, "elementary school":

(1) has the meaning set forth in IC 20-18-2-4; and

(2) includes public elementary schools and **state** accredited nonpublic elementary schools **that voluntarily become accredited under IC 20-31-4.1.**

(b) As used in this section, "governing body" has the meaning set forth in IC 20-18-2-5.

(c) If a school bus driver must load or unload an elementary school student at a location that requires the student to cross a roadway that is a U.S. route or state route as described in section 20(a)(1) of this chapter, the superintendent or the superintendent's designee shall present the school bus route described in this subsection to the governing body for approval.

SECTION 6. IC 9-27-6-3, AS AMENDED BY P.L.85-2013, SECTION 69, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) As used in this chapter, "driver training school" means:

(1) a business enterprise that:

(A) is conducted by an individual, an association, a partnership, a limited liability company, or a corporation for the education and training of persons, practically or theoretically, or both, to operate or drive motor vehicles or to prepare an applicant for an examination or validation under IC 9-24 for a driver's license; and

(B) charges consideration or tuition for the provision of services; or

(2) a driver education program operated under the authority of:

(A) a school corporation (as defined in IC 36-1-2-17);

(B) a **state accredited** nonpublic secondary school that voluntarily becomes accredited under ~~IC 20-19-2-8;~~ **IC 20-31-4.1;**

~~(C) a nonpublic secondary school recognized under IC 20-19-2-10;~~

~~(D)~~ **(C)** a postsecondary proprietary educational institution (as defined in IC 22-4.1-21-9);

~~(E)~~ **(D)** a postsecondary credit bearing proprietary educational institution (as defined in IC 21-18.5-2-12);

~~(F)~~ **(E)** a state educational institution (as defined in IC 21-7-13-32); or

~~(G)~~ **(F)** a nonaccredited nonpublic school.

(b) The term does not include a business enterprise that educates or trains a person or prepares a person for an examination or a validation given by the bureau to operate or drive a motor vehicle as a vocation.

SECTION 7. IC 9-27-6-6, AS AMENDED BY P.L.149-2015, SECTION 76, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) To establish or operate a driver training school, the driver training school must obtain a driver training school license from the bureau in the manner and form prescribed by the bureau.

(b) Subject to subsections (c) and (d), the bureau shall adopt rules under IC 4-22-2 that state the requirements for obtaining a driver training school license.

(c) The rules adopted under subsection (b) must permit a licensed driver training school to provide classroom training during which an instructor is present in a county outside the county where the driver training school is located to the students of:

(1) a school corporation (as defined in IC 36-1-2-17);

(2) a **state accredited** nonpublic secondary school that voluntarily becomes accredited under ~~IC 20-19-2-8;~~ **IC 20-31-4.1;**

~~(3) a nonpublic secondary school recognized under IC 20-19-2-10;~~

~~(4)~~ **(3)** a state educational institution; or

~~(5)~~ **(4)** a nonaccredited nonpublic school.

However, the rules must provide that a licensed driver training school may provide classroom training in an entity listed in ~~subdivisions~~ **subdivision** (1) ~~through (3)~~ **or (2)** only if the governing body of the entity approves the delivery of the training to its students.

(d) The rules adopted under subsection (b) must provide that driver education instruction may not be provided to a child less than fifteen (15) years of age.

SECTION 8. IC 10-21-1-1, AS AMENDED BY P.L.50-2019, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

UPON PASSAGE]: Sec. 1. The following definitions apply throughout this chapter:

(1) "Accredited nonpublic school" means a nonpublic school ~~(as described under IC 20-18-2-12)~~ that:

(A) has voluntarily become accredited under ~~IC 20-19-2-8.~~ **IC 20-31-4.1; or**

(B) is accredited by a national or regional accrediting agency that is recognized by the state board of education.

(2) "Active event warning system" refers to a system that includes services and technology that will notify available law enforcement agencies in the area of a school building of a life threatening emergency.

(3) "ADM" refers to average daily membership determined under IC 20-43-4-2. In the case of a school corporation career and technical education school described in IC 20-37-1-1, "ADM" refers to the count on a full-time equivalency basis of students attending the school on the date ADM is determined under IC 20-43-4-2.

(4) "Board" refers to the secured school safety board established by section 3 of this chapter.

(5) "Fund" refers to the Indiana secured school fund established by section 2 of this chapter.

(6) "Law enforcement agency" refers to a state, local, or federal agency or department that would respond to an emergency event at a school, including both on duty and off duty officers within the agency or department.

(7) "Local plan" means the school safety plan described in IC 20-26-18.2-2(b).

(8) "School corporation or charter school" refers to an individual school corporation, a school corporation career and technical education school described in IC 20-37-1-1, or a charter school but also includes:

(A) a coalition of school corporations;

(B) a coalition of charter schools; or

(C) a coalition of both school corporations and charter schools;

that intend to jointly employ a school resource officer or to jointly apply for a matching grant under this chapter, unless the context clearly indicates otherwise.

(9) "School official" refers to an employee of a school corporation, charter school, or accredited nonpublic school who has access to an active event warning system.

(10) "School resource officer" has the meaning set forth in IC 20-26-18.2-1.

SECTION 9. IC 16-35-8-1, AS AMENDED BY P.L.149-2017, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. As used in this chapter, "child" means a child who is:

(1) at least three (3) years of age and less than seven (7) years of age; or

(2) enrolled in a public school, **state** accredited nonpublic school **(as defined in IC 20-18-2-18.7),** or nonaccredited nonpublic school in kindergarten through grade 12.

SECTION 10. IC 16-41-37.5-2, AS AMENDED BY P.L.168-2009, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) The state department shall before July 1, 2010:

(1) adopt rules under IC 4-22-2 to establish an indoor air quality inspection, evaluation, and employee notification program to assist state agencies in improving indoor air quality; and

(2) amend 410 IAC 6-5.1 or adopt new rules under IC 4-22-2 to do the following:

(A) Establish an indoor air quality inspection, evaluation, and parent and employee notification program to assist schools in improving indoor air quality.

(B) Establish best practices to assure healthful indoor air quality in schools.

(b) Subject to subsection (c), the state department shall:

(1) inspect a school or state agency if the state department receives a complaint about the quality of air in the school or state agency;

(2) prepare a report, which may be in letter form, that:

(A) describes the state department's inspection findings;

(B) identifies any conditions that are contributing or could contribute to poor indoor air quality at the school or state agency, including:

(i) carbon dioxide levels;

(ii) humidity;
(iii) evidence of mold or water damage; and
(iv) excess dust;
(C) provides guidance on steps the school or state agency should take to address any issues; and
(D) requests a response from the school or state agency not later than sixty (60) days after the date of the report;
(3) report the results of the inspection to:
(A) the person who complained about the quality of air;
(B) the school's principal or the state agency head;
(C) the superintendent of the school corporation, if the school is part of a school corporation;
(D) the Indiana state board of education, if the school is a public school or ~~an~~ **a state** accredited nonpublic school **(as defined in IC 20-18-2-18.7);**
(E) the Indiana department of administration, if the inspected entity is a state agency; and
(F) the appropriate local or county board of health; and
(4) assist the school or state agency in developing a reasonable plan to improve air quality conditions found in the inspection.
(c) A complaint referred to in subsection (b)(1):
(1) must be in writing; and
(2) may be made by electronic mail.
(d) The state department may release the name of a person who files a complaint referred to in subsection (b)(1) only if the person has authorized the release in writing.

SECTION 11. IC 16-41-37.5-2.5, AS AMENDED BY THE TECHNICAL CORRECTIONS BILL OF THE 2020 GENERAL ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2.5. (a) Before July 31, 2019, the state department shall distribute a manual of best practices for managing indoor air quality at schools as described in this section. The state department may use a manual on indoor air quality in schools developed by a federal health or environmental agency or another state and make additions or revisions to the manual to make the manual most useful to Indiana schools. The manual must include recommendations for radon testing. The state department shall provide the manual:
(1) to:

(A) the legislative council; and

(B) the department of education;

in an electronic format under IC 5-14-6; and

(2) to the facilities manager and superintendent of each school corporation and the chief administrative officer of each **state** accredited nonpublic school **(as defined in IC 20-18-2-18.7).**

(b) At least once every three (3) years the **state** department shall:

(1) review and revise the manual developed under subsection (a) to assure that the manual continues to represent best practices available to schools; and

(2) distribute the manual to individuals listed in subsection (a)(2).

SECTION 12. IC 20-18-2-18.7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 18.7. "State accredited nonpublic school" means a nonpublic school that has voluntarily become accredited under IC 20-31-4.1.**

SECTION 13. IC 20-18-2-18.8 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 18.8. "State accredited school" means a public or nonpublic school that is accredited under IC 20-31-4.1.**

SECTION 14. IC 20-19-2-8, AS AMENDED BY P.L.242-2017, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) In addition to any other powers and duties prescribed by law, the state board shall adopt rules under IC 4-22-2 concerning, but not limited to, the following matters:

(1) The designation and employment of the employees and consultants necessary for the department. The state board shall fix the compensation of employees of the department, subject to the approval of the budget committee and the governor under IC 4-12-2.

(2) The establishment and maintenance of standards and guidelines for media centers, libraries, instructional materials centers, or any other area or system of areas in a school where a full range of information sources, associated equipment, and services from professional media staff are accessible to the school community. With regard to library automation systems, the state board may only adopt rules that meet the standards established by

the state library board for library automation systems under IC 4-23-7.1-11(b).

(3) The establishment and maintenance of standards for student personnel and guidance services.

~~(4) The inspection of all public schools in Indiana to determine the condition of the schools. The state board shall establish standards governing the accreditation of public schools. Observance of:~~

~~(A) IC 20-31-4;~~

~~(B) IC 20-28-5-2;~~

~~(C) IC 20-28-6-3 through IC 20-28-6-7;~~

~~(D) IC 20-28-11.5; and~~

~~(E) IC 20-31-3, IC 20-32-4, IC 20-32-5 (for school years ending before July 1, 2018), IC 20-32-5.1 (for school years beginning after June 30, 2018), and IC 20-32-8;~~

~~is a prerequisite to the accreditation of a school. Local public school officials shall make the reports required of them and otherwise cooperate with the state board regarding required inspections. Nonpublic schools may also request the inspection for classification purposes. Compliance with the building and site guidelines adopted by the state board is not a prerequisite of accreditation.~~

~~(5)~~ **(4)** The distribution of funds and revenues appropriated for the support of schools in the state.

~~(6) The state board may not establish an accreditation system for nonpublic schools that is less stringent than the accreditation system for public schools.~~

~~(7) A separate system for recognizing nonpublic schools under IC 20-19-2-10. Recognition of nonpublic schools under this subdivision constitutes the system of regulatory standards that apply to nonpublic schools that seek to qualify for the system of recognition.~~

~~(8)~~ **(5)** The establishment and enforcement of standards and guidelines concerning the safety of students participating in cheerleading activities.

~~(9)~~ **(6)** Subject to IC 20-28-2, the preparation and licensing of teachers.

(b) Before final adoption of any rule, the state board shall make a finding on the estimated fiscal impact that the rule will have on school corporations.

SECTION 15. IC 20-19-2-10 IS REPEALED [EFFECTIVE UPON PASSAGE]. ~~Sec. 10. (a) It is the policy of the state that the state:~~

~~(1) recognizes that nonpublic schools provide education to children in Indiana;~~

~~(2) has an interest in ensuring that all Indiana children are well educated in both curricular and extracurricular programs; and~~

~~(3) should facilitate the transferability of comparable academic credit between appropriate nonpublic schools and state supported educational institutions.~~

~~(b) The state board shall implement a system of recognition of the educational programs of nonpublic schools to fulfill the policy set forth in subsection (a).~~

~~(c) The system of recognition described under subsection (b) must:~~

~~(1) be voluntary in nature with respect to the nonpublic school;~~

~~(2) recognize the characteristics that distinguish nonpublic schools from public schools; and~~

~~(3) be a recognition system that is separate from the accreditation standards required of public schools and available to nonpublic schools under section 8(a)(4) of this chapter.~~

~~(d) This section does not prohibit a nonpublic school from seeking accreditation under section 8(a)(4) of this chapter.~~

~~(e) The department shall waive accreditation standards for an accredited nonpublic alternative school that enters into a contract with a school corporation to provide alternative education services for students who have:~~

~~(1) dropped out of high school;~~

~~(2) been expelled; or~~

~~(3) been sent to the nonpublic alternative school due to the students' lack of success in the public school environment;~~

~~to accommodate the nonpublic alternative school's program and student population. A nonpublic alternative school to which this subsection applies is not subject to being placed in a category or designation under IC 20-31-8-4. However, the nonpublic alternative school must comply with all state reporting requirements and submit a school improvement~~

~~growth model on the anniversary date of the nonpublic alternative school's original accreditation.~~

~~(f) The state board may accredit a nonpublic school under this section at the time the nonpublic school begins operation in Indiana.~~

~~(g) The state board shall adopt rules under IC 4-22-2 to implement this section.~~

SECTION 16. IC 20-19-2-11 IS REPEALED [EFFECTIVE UPON PASSAGE]. ~~Sec. 11. (a) As used in this section, "plan" refers to a strategic and continuous school improvement and achievement plan developed under IC 20-31-5.~~

~~(b) A plan must:~~

~~(1) conform to the requirements of IC 20-31-5; and~~

~~(2) include a professional development program.~~

~~(c) The governing body may do the following for a school that participates in a plan:~~

~~(1) Invoke a waiver of a rule adopted by the state board under IC 20-31-5-5(b).~~

~~(2) Develop a plan for the admission of students who do not reside in the school's attendance area but have legal settlement in the school corporation.~~

~~(d) In approving a school corporation's actions under this section, the state board shall consider whether the governing body has done the following:~~

~~(1) Approved a school's plan.~~

~~(2) Demonstrated the support of the exclusive representative only for the professional development program component of the plan.~~

~~(e) The state board may waive any statute or rule relating to curriculum in accordance with IC 20-31-5-5.~~

~~(f) As part of the plan, the governing body may develop and implement a policy to do the following:~~

~~(1) Allow the transfer of a student who resides in the school's attendance area but whose parent requests that the student attend another school in the school corporation of legal settlement.~~

~~(2) Inform parents of their rights under this section.~~

~~(g) The state board shall adopt rules under IC 4-22-2 to implement this section.~~

SECTION 17. IC 20-19-8-3, AS ADDED BY P.L.174-2019, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

UPON PASSAGE]: Sec. 3. (a) The legislative council is urged to assign to the study committee during the 2019, 2020, 2021, and 2022 interims the study of the following:

(1) How to do the following:

(A) Eliminate, reduce, or streamline the number of education mandates placed on schools.

(B) Streamline fiscal and compliance reporting to the general assembly on a sustainable and systematic basis.

(2) During the 2019 interim, the following:

(A) The following provisions:

IC 5-2-10.1-11 (school safety specialist).

IC 5-11-1-27 (local government internal control standards).

IC 20-20-40-13 (restraint and seclusion; notice requirement; training; elements of the restraint and seclusion plan).

IC 20-26-5-34.2 (bullying prevention; training for employees and volunteers).

IC 20-26-13 (graduation rate determination).

IC 20-26-16-4 (school corporation police officer minimum training requirements).

IC 20-26-18 (criminal gang measures).

IC 20-26-18.2 (school resource officers).

IC 20-28-3-4.5 (training on child abuse and neglect).

IC 20-28-3-6 (youth suicide awareness and prevention training).

IC 20-28-3-7 (training on human trafficking).

~~IC 20-28-5-3(c) (cardiopulmonary resuscitation training).~~

IC 20-34-7 (student athletes: concussions and head injuries).

(B) The relation, if applicable, of any requirements under provisions listed in clause (A) with the following federal provisions, and whether any of the requirements under provisions listed in clause (A) or other state law can be streamlined with the federal provisions to alleviate administrative burdens for schools:

29 CFR 1910.1030 (bloodborne pathogens).

29 CFR 1910.147 (lock out/tag out).

(3) During the 2020 interim, the following:

(A) The following provisions:

IC 5-11-1-27 (local government internal control standards).

IC 5-22-8-2 (purchases below fifty thousand dollars ($50,000)).
IC 20-19-6.2 (Indiana family friendly school designation program).
IC 20-26-3-5 (constitutional or statutory exercise of powers; written policy).
IC 20-26-5-1 (power and purpose to conduct various education programs).
IC 20-26-5-10 (adoption of criminal history background and child protection index check policy; implementation of policy).
IC 20-26-5-34.4 (child suicide awareness and prevention).
IC 20-33-2-14 (compulsory attendance; school corporation policy; exceptions; service as page or honoree of general assembly).
IC 20-33-8-12 (adoption of discipline rules; publicity requirement; discipline policy regulations and guidelines; delegation of authority; rulemaking powers of governing body).
IC 20-33-8-13.5 (discipline rules prohibiting bullying required).
IC 20-33-8-32 (locker searches).
IC 20-43-10-3.5 (teacher appreciation grants).
410 IAC 33-4-3 (vehicles idling).
410 IAC 33-4-7 (policy for animals in the classroom).
410 IAC 33-4-8 (policy to minimize student exposure to chemicals).
511 IAC 6-10-4 (postsecondary enrollment program local policies).
511 IAC 6.1-5-9 (required homework policy).
511 IAC 6.1-5-10 (policy prohibiting retaining students for athletic purposes).
511 IAC 7-36-9 (medication administration).
511 IAC 7-42-10 (least restrictive environment and delivery of special education and related services).

(B) The relation, if applicable, of any requirements under provisions listed in clause (A) with the following federal provisions, and whether any of the requirements under

provisions listed in clause (A) or any other state law can be streamlined with the federal provisions to alleviate administrative burdens for schools:

20 U.S.C. 1232h(c) and 34 CFR 98.3 (parental access to instructional materials).

20 U.S.C. 6318(a)(2) (parent and family engagement).

20 U.S.C. 7961(h)(1) (Gun-Free Schools Act).

41 U.S.C. 8103 and 34 CFR 84 (drug-free workplace).

42 U.S.C. 1751 through 42 U.S.C. 1769 (school lunch).

7 CFR 210.31 (local school wellness policy).

(4) During the 2021 interim, the following:

(A) The following provisions:

IC 5-3-1-3(b) through IC 5-3-1-3(e) and IC 5-3-1-3(g) (publication of annual financial report).

IC 20-18-2-2.7 (definition of "curricular material").

IC 20-19-2-8 (adoption of administrative rules by the state board).

IC 20-19-2-16 (federal aid concerning children with disabilities).

IC 20-19-3-9.4 (disclosure of student test number information).

IC 20-20-8-8 (school corporation annual performance report).

IC 20-20-33 (alternative education program grants).

IC 20-26-13 (graduation rate determination).

IC 20-28-5-1 (department's responsibility for licensing teachers).

IC 20-28-11.5-9 (staff performance evaluation reporting).

IC 20-30-8 (alternative program for certain students).

IC 20-33-2-3.2 (definition of "attend").

IC 20-33-5-7 (public schools; curricular material assistance; state reimbursement).

IC 20-34-6 (student safety reporting).

IC 20-35-5-2 (formation of special education cooperative).

IC 20-36 (high ability students).

IC 20-43-1-3 (definition of "honors designation award").

IC 20-43-4-2 (determination of ADM).

IC 20-43-10-3 (determination of annual performance grant).

IC 21-12-10 (eligibility for Mitch Daniels early graduation scholarship).

511 IAC 6-9.1 (waiver of curriculum and graduation rules for high ability students).

511 IAC 6.2-3.1 (reading plan).

511 IAC 7-46-4 (child count data collection).

511 IAC 10-6-4(a)(1) (staff evaluation measures).

511 IAC 16-2-7 (creditable experience for licensing).

(B) The relation, if applicable, of any requirements under provisions listed in clause (A) with the following federal provisions and whether any of the requirements under provisions listed in clause (A) or other state law can be streamlined with the federal provisions to alleviate administrative burdens for schools:

20 U.S.C. 3413(c)(1) (civil rights data collection).

Individuals with Disabilities Education Act (IDEA), Section 618 Part C (child count reporting requirements).

Elementary and Secondary Education Act of 1965 (ESEA), Section 8303, as amended by the Every Student Succeeds Act (ESSA) (consolidated reporting).

34 CFR 300.601 (state performance plans and data collection).

(5) During the 2022 interim, the following provisions:

IC 20-30-5-5.5 (instruction on bullying prevention).

IC 20-30-5-5.7 (child abuse and child sexual abuse).

IC 20-30-5-7 (required curriculum).

IC 20-30-5-8 (safety instruction).

IC 20-30-5-9 (hygiene instruction).

IC 20-30-5-10 (disease instruction).

IC 20-30-5-11 (drug education).

IC 20-30-5-12 (AIDS education).

IC 20-30-5-13 (human sexuality and sexually transmitted diseases instructional requirements).

IC 20-30-5-14 (career awareness and development).

IC 20-30-5-15 (breast cancer and testicular cancer education).

IC 20-30-5-16 (human organ and blood donor program education).

IC 20-30-5-17 (access to materials; consent for participation).

IC 20-30-5-18 (meningitis information).
IC 20-30-5-19 (personal financial responsibility instruction).
IC 20-30-5-20 (instruction in cardiopulmonary resuscitation).
IC 20-30-5-23 (computer studies).

(b) The study committee shall include in its annual report for each interim the study committee's recommendations, including any recommendations to the general assembly as to whether a provision described in subsection (a)(2)(A), (a)(3)(A), (a)(4)(A), or (a)(5) should repealed or whether the provision may be improved to lessen the administrative burden placed on schools.

(c) This chapter expires January 1, 2023.

SECTION 18. IC 20-20-5.5-3, AS AMENDED BY P.L.286-2013, SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) The state superintendent shall notify the governing bodies of each school corporation, charter school, and **state** accredited nonpublic school immediately of:

(1) the initial publication and annual update on the department's Internet web site of the report described in section 2(c) of this chapter, including the Internet web site address where the report is published; and

(2) updates of the following types of information in the report described in section 2(c) of this chapter:

(A) The addition of materials.

(B) The removal of materials.

(C) Changes in the per unit price of curricular materials that exceed five percent (5%).

(b) A notification under this section must state that:

(1) the reviews of curricular materials included in the report described in section 2(c) of this chapter are departmental reviews only; and

(2) each governing body has authority to adopt curricular materials for a school corporation.

SECTION 19. IC 20-20-8-3, AS AMENDED BY P.L.233-2015, SECTION 40, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 3. (a) Not earlier than March 15 or later than March 31 of each year, the governing body of a school corporation shall publish **either:**

(1) an annual performance report of the school corporation; **or**

(2) a summary of the annual performance report with a description of how to find and view the full annual performance report on the Internet. The summary must include the following:

(A) Student enrollment.

(B) Graduation rate (as defined in IC 20-26-13-6) and the graduation rate excluding students that receive a graduation waiver under IC 20-32-4-4.1 or IC 20-32-4-4.

(C) Attendance rate.

(D) All state standardized assessment scores, including the number and percentage of students meeting academic standards.

(E) The school's performance category or designation of school improvement assigned under IC 20-31-8.

(F) The percentage of graduates considered college and career ready in a manner prescribed by the state board.

(G) Financial information and various school cost factors required to be provided to the office of management and budget under IC 20-42.5-3-5.

~~in compliance with the procedures identified in section 7 of this chapter.~~ The report **or summary** must be published one (1) time annually under IC 5-3-1.

(b) The department shall make each school corporation's report available on the department's Internet web site. The annual performance report published on the Internet for a school corporation, including a charter school, must include any additional information submitted by the school corporation under section 6(3)(A) of this chapter. The governing body of a school corporation shall make the school corporation's report available on a prominent page of a school corporation's Internet web site.

(c) The governing body of a school corporation shall provide a copy of the report to a person who requests a copy. The governing body may not charge a fee for providing the copy.

SECTION 20. IC 20-20-40-8, AS ADDED BY P.L.122-2013, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. As used in this chapter, "school employee" means an individual employed by a school corporation or ~~an~~ **a state** accredited nonpublic school.

SECTION 21. IC 20-20-40-11, AS AMENDED BY P.L.191-2018, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. (a) The commission on seclusion and restraint in schools is established.

(b) The commission has the following ten (10) members:

(1) The designee of the state superintendent, who serves at the pleasure of the state superintendent.

(2) A representative of the Autism Society of Indiana, chosen by the organization, who serves a two (2) year term.

(3) A representative of the Arc of Indiana, chosen by the organization, who serves a two (2) year term.

(4) A representative of the Indiana Council of Administrators of Special Education, chosen by the organization, who serves a two (2) year term.

(5) A representative of Mental Health America of Indiana, chosen by the organization, who serves a two (2) year term.

(6) A parent of a student with a disability, nominated by a member described in subdivisions (2), (3), and (5) and approved by a majority of the members described in subdivisions (1) through (5) and (8) through (10), who serves a two (2) year term.

(7) A parent of a student who does not have a disability, nominated by a member described in subdivisions (2), (3), and (5) and approved by a majority of the members described in subdivisions (1) through (5) and (8) through (10), who serves a two (2) year term.

(8) One (1) **state** accredited nonpublic school administrator nominated by the Indiana Non-public Education Association, who serves a two (2) year term.

(9) One (1) public school superintendent nominated by the Indiana Association of Public School Superintendents, who serves a two (2) year term.

(10) One (1) member of the Indiana School Resource Officers Association chosen by the organization, who serves a two (2) year term.

(c) 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). A member who is not a state employee 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.

SECTION 22. IC 20-20-40-13, AS AMENDED BY P.L.227-2017, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 13. (a) The commission has the following duties:

(1) To adopt rules concerning the following:

(A) The use of restraint and seclusion in a school corporation or ~~an~~ **a state** accredited nonpublic school, with an emphasis on eliminating or minimizing the use of restraint and seclusion.

(B) The prevention of the use of types of restraint or seclusion that may harm a student, a school employee, a school volunteer, or the educational environment of the school.

(C) Requirements for notifying parents.

(D) Training regarding the use of restraint and seclusion, including the frequency of training and what employees must be trained.

(E) The distribution of the seclusion and restraint policy to parents and the public.

(F) Requirements for the reporting of incidents of restraint and seclusion in the annual school performance report, including incidents of restraint and seclusion involving school resource officers (as defined in IC 20-26-18.2-1).

(G) Circumstances that may require more timely incident reporting and the requirements for such reporting.

(2) To develop, maintain, and revise a model restraint and seclusion plan for schools that includes the following elements:

(A) A statement on how students will be treated with dignity and respect and how appropriate student behavior will be promoted and taught.

(B) A statement ensuring that the school will use prevention, positive behavior intervention and support, and conflict deescalation to eliminate or minimize the need for use of any of the following:

(i) Seclusion.

(ii) Chemical restraint.

(iii) Mechanical restraint.

(iv) Physical restraint.

(C) A statement ensuring that any behavioral intervention used will be consistent with the student's most current behavioral intervention plan, or individualized education program, if applicable.

(D) Definitions for restraint and seclusion, as defined in this chapter.

(E) A statement ensuring that if a procedure listed in clause (B) is used, the procedure will be used:

(i) as a last resort safety procedure, employed only after another, less restrictive procedure has been implemented without success; and

(ii) in a situation in which there is an imminent risk of injury to the student, other students, school employees, or visitors to the school.

(F) An indication that restraint or seclusion may be used only for a short time period, or until the imminent risk of injury has passed.

(G) A documentation and recording requirement governing instances in which procedures listed in clause (B) are used, including:

(i) how every incident will be documented and debriefed;

(ii) how responsibilities will be assigned to designated employees for evaluation and oversight; and

(iii) designation of a school employee to be the keeper of such documents.

(H) A requirement that the student's parent must be notified as soon as possible when an incident involving the student occurs that includes use of procedures listed in clause (B).

(I) A requirement that a copy of an incident report must be sent to the student's parent after the student is subject to a procedure listed in clause (B).

(J) Required recurrent training for appropriate school employees on the appropriate use of effective alternatives to physical restraint and seclusion, including the use of positive behavioral intervention and support and conflict deescalation. The training must include the safe use of physical restraint and seclusion in incidents involving imminent danger or serious

harm to the student, school employees, or others. Consideration must be given to available school resources and the time commitments of school employees.

(3) To accept and review reports from the public and make nonbinding recommendations to the department of any suggested action to be taken.

(b) The model policy developed by the commission must take into consideration that implementation and reporting requirements for **state** accredited nonpublic schools may vary, and the model plan must provide **state** accredited nonpublic schools flexibility with regards to accountability under and implementation of the plan adopted by ~~an~~ **a state** accredited nonpublic school under section 14 of this chapter.

SECTION 23. IC 20-20-40-14, AS AMENDED BY P.L.227-2017, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 14. (a) A school corporation or **state** accredited nonpublic school shall adopt a restraint and seclusion plan that incorporates, at a minimum, the elements of the model plan developed under section 13 of this chapter. The school corporation's or **state** accredited nonpublic school's plan must become effective not later than July 1, 2014.

(b) The department has the authority to require schools to submit plans developed in accordance with section 13 of this chapter.

SECTION 24. IC 20-20-40-15, AS ADDED BY P.L.122-2013, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 15. (a) Nothing in this chapter may be construed to prevent a school employee from stopping a physical altercation, acting to prevent physical harm to a student or another individual, or acting to address an emergency until the emergency is over, whether or not the school employee has received training under this chapter.

(b) This chapter may not be construed to give rise to a cause of action, either civil or criminal, against the state, the department, a school corporation, ~~an~~ **a state** accredited nonpublic school, the commission, or a member of the commission.

(c) In all matters relating to the plan adopted under section 14 of this chapter, school corporation or **state** accredited nonpublic school personnel have qualified immunity with respect to an action taken to

promote student conduct under a plan adopted under section 14 of this chapter if the action is taken in good faith and is reasonable.

SECTION 25. IC 20-25-13-5, AS AMENDED BY P.L.13-2013, SECTION 56, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. Development and implementation of a staff performance evaluation plan for each school is a condition for accreditation for the school under ~~IC 20-19-2-8(a)(4).~~ **IC 20-31-4.1.**

SECTION 26. IC 20-26-5-34.2, AS ADDED BY P.L.285-2013, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 34.2. A school corporation shall provide training to the school corporation's employees and volunteers who have direct, ongoing contact with students concerning the school's bullying prevention and reporting policy adopted under IC 20-33-8-13.5. **The training shall be conducted in a manner prescribed by the state board under IC 20-28-5.5-1.**

SECTION 27. IC 20-26-7.1-3, AS ADDED BY P.L.270-2019, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) Before a governing body may sell or exchange a building described in this section in accordance with IC 20-25-4-14, ~~IC 20-26-5-4(7),~~ **IC 20-26-5-4(a)(7),** or IC 20-26-7-1, and except as provided in this chapter, a governing body shall make available for lease or purchase to any charter school any school building owned by the school corporation or any other entity that is related in any way to, or created by, the school corporation or the governing body, including but not limited to a building corporation, that:

(1) is vacant or unused; and

(2) was previously used for classroom instruction;

in order for the charter school to conduct kindergarten through grade 12 classroom instruction.

(b) The following are not required to comply with the requirements provided in section 4 of this chapter:

(1) A governing body that vacates a school building in order to:

(A) renovate the school building for future use by the school corporation; or

(B) demolish the school building and build a new school building on the same site as the demolished building.

(2) An emergency manager of a distressed school corporation under IC 6-1.1-20.3.

(3) The governing body of the School City of East Chicago school corporation for the Carrie Gosch Elementary School building.

(c) Notwithstanding subsection (a), a lease entered into by a governing body under ~~IC 20-26-5-4(7)~~ **IC 20-26-5-4(a)(7)** prior to July 1, 2019, with ~~an~~ **a state** accredited nonpublic school shall remain in full force and effect. In addition, the governing body may, during or at the expiration of the term of such lease, sell the school building leased under ~~IC 20-26-5-4(7)~~ **IC 20-26-5-4(a)(7)** to the nonpublic school at a purchase price mutually agreed to by the governing body and the nonpublic school.

SECTION 28. IC 20-26-7.1-7, AS ADDED BY P.L.270-2019, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. **(a) As used in this section, "accredited nonpublic school" means a nonpublic school that:**

(1) has voluntarily become accredited under IC 20-31-4.1; or

(2) is accredited by a national or regional accrediting agency that is recognized by the state board.

~~(a)~~ **(b)** This section applies to a school building with a gross square footage of two hundred thousand (200,000) square feet or less.

~~(b)~~ **(c)** If the school corporation receives notification from the department that the department has not received any preliminary requests to purchase or lease a vacant or unused school building under section 4(c)(1) of this chapter or a charter school has not met the requirements under section 4(c)(2) or 4(e) of this chapter, the school corporation must sell the school building to an accredited nonpublic school or postsecondary educational institution that sends a letter of intent to the school corporation to purchase the vacant or unused school building for an amount not more than the minimum bid for the vacant or unused school building determined in accordance with IC 36-1-11, or an amount agreed to by both parties.

~~(c)~~ **(d)** The accredited nonpublic school or postsecondary educational institution must submit its letter of intent to purchase the school building within thirty (30) days of the date the school corporation passes a resolution or takes other official action to close, no longer use, or no longer occupy a school building that was previously used for classroom instruction. However, in the event that

a charter school has submitted a preliminary request to purchase or lease a school building, the accredited nonpublic school or postsecondary educational institution may send a letter of intent to purchase or lease the school building within ninety (90) days of the date that the school corporation passed a resolution or took official action to close, no longer use, or no longer occupy a school building.

~~(d)~~ **(e)** Within forty-five (45) days of notice of the minimum bid, the accredited nonpublic school or postsecondary educational institution must provide a binding offer to the school corporation to purchase the property in its current condition and provide a nonrefundable down payment equal to five percent (5%) of the minimum bid or an amount agreed to by both parties. In the event that two (2) or more binding offers are submitted to the school corporation under this subsection, the school corporation may select which offer to accept.

~~(e)~~ **(f)** If the sale of the property does not close within one hundred eighty (180) days of the school corporation's receipt of the binding offer, and the delay in closing is not caused by the school corporation or its representatives, the school corporation may refund the down payment and sell or otherwise dispose of the school building under IC 20-25-4-14, ~~IC 20-26-5-4(7),~~ **IC 20-26-5-4(a)(7),** or IC 36-1-11.

SECTION 29. IC 20-26-11-6.7, AS ADDED BY P.L.17-2015, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6.7. (a) This section:

(1) applies to a school corporation that does not have a policy of accepting transfer students having legal settlement outside the attendance area of the transferee school corporation; and

(2) does not apply to a school corporation that has more than one (1) high school.

(b) Notwithstanding this chapter, a school corporation shall accept a transferring student who resides in Indiana and who does not have legal settlement in the school corporation if:

(1) the student attended ~~an~~ **a state** accredited nonpublic elementary school located in the attendance area of the transferee school corporation for at least two (2) school years immediately preceding the school year in which the student transfers to a high school in the transferee school corporation under this section;

(2) the student is transferring because the **state** accredited nonpublic school from which the student is transferring does not offer grades 9 through 12;

(3) the majority of the students in the same grade as the transferring student at the **state** accredited nonpublic school have legal settlement in the transferee school corporation and will attend a school under the authority of the transferee school corporation; and

(4) the transferee school corporation has the capacity to accept students.

(c) If the number of students who request to transfer to a transferee school corporation under this section causes the school corporation to exceed the school corporation's maximum student capacity, the governing body shall determine which students will be admitted as transfer students by a random drawing in a public meeting.

SECTION 30. IC 20-26-11-31, AS AMENDED BY P.L.251-2017, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 31. (a) This section applies to a school corporation that enrolls a student who has legal settlement in another school corporation for the purpose of the student receiving services from ~~an~~ **a state** accredited nonpublic alternative high school described in ~~IC 20-19-2-10(c).~~ **IC 20-31-4.1-2(c).**

(b) A school corporation is entitled to receive state tuition support for a student described in subsection (a) in an amount equal to:

(1) the amount received by the school corporation in which the student is enrolled for ADM purposes; or

(2) the amount received by the school corporation in which the student has legal settlement;

whichever is greater.

SECTION 31. IC 20-26-11-32, AS AMENDED BY P.L.86-2018, SECTION 177, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 32. (a) This section does not apply to a school corporation if the governing body has adopted a policy of not accepting the transfer of any student who does not have legal settlement within the school corporation.

(b) The governing body of a school corporation shall annually establish:

(1) except as provided in subsection (m), the number of transfer students the school corporation has the capacity to accept in each grade level; and

(2) the date by which requests to transfer into the school corporation must be received by the governing body.

(c) After establishing the date under subsection (b)(2), the governing body shall:

(1) publish the date on the school corporation's Internet web site; and

(2) report the date to the department.

(d) The department shall publish the dates received from school corporations under subsection (c)(2) on the department's Internet web site.

(e) A student to whom this section applies may not request to transfer under this section primarily for athletic reasons to a school corporation in which the student does not have legal settlement.

(f) If the number of requests to transfer into a school corporation received by the date established for the school corporation under subsection (b)(2) exceeds the capacity established for the school corporation under subsection (b)(1), each timely request must be given an equal chance to be accepted, with the exception that a student described in subsection (h) shall be given priority. The governing body must determine which students will be admitted as transfer students to each school building and each grade level within the school corporation by using a publicly verifiable random selection process.

(g) Except as provided in subsections (i), (j), (k), and (m), the governing body of a school corporation may not deny a request for a student to transfer into the school corporation based upon the student's academic record, scores on statewide assessment program tests, disciplinary record, or disability, or upon any other factor not related to the school corporation's capacity.

(h) Except as provided in subsections (i), (j), and (k), the governing body of a school corporation may not deny a request for a student to transfer into the school corporation if the student requesting to transfer:

(1) is a member of a household in which any other member of the household is a student in the transferee school; or

(2) has a parent who is an employee of the school corporation.

(i) A governing body of a school corporation may limit the number of new transfers to a school building or grade level in the school corporation:

(1) to ensure that a student who attends a school within the school corporation as a transfer student during a school year may continue to attend the school in subsequent school years; and

(2) to allow a student described in subsection (h) to attend a school within the school corporation.

(j) Notwithstanding subsections (f), (g), and (h), a governing body of a school corporation may deny a request for a student to transfer to the school corporation or may discontinue enrollment currently or in a subsequent school year, or establish terms or conditions for enrollment or for continued enrollment in a subsequent school year, if:

(1) the student has been suspended (as defined in IC 20-33-8-7) or expelled (as defined in IC 20-33-8-3) during the twelve (12) months preceding the student's request to transfer under this section:

(A) for ten (10) or more school days;

(B) for a violation under IC 20-33-8-16;

(C) for causing physical injury to a student, a school employee, or a visitor to the school; or

(D) for a violation of a school corporation's drug or alcohol rules; or

(2) the student has had a history of unexcused absences and the governing body of the school corporation believes that, based upon the location of the student's residence, attendance would be a problem for the student if the student is enrolled with the school corporation.

For purposes of subdivision (1)(A), student discipline received under IC 20-33-8-25(b)(7) for a violation described in subdivision (1)(B) through (1)(D) shall be included in the calculation of the number of school days that a student has been suspended.

(k) The governing body of a school corporation with a school building that offers a special curriculum may require a student who transfers to the school building to meet the same eligibility criteria required of all students who attend the school building that offers the special curriculum.

(l) The parent of a student for whom a request to transfer is made is responsible for providing the school corporation to which the request is made with records or information necessary for the school corporation to determine whether the request to transfer may be denied under subsection (j).

(m) Notwithstanding this section, the governing body of a school corporation may authorize the school corporation to enter into an agreement with ~~an~~ **a state** accredited nonpublic school or charter school to allow students of the **state** accredited nonpublic school or charter school to transfer to a school within the school corporation.

(n) A school corporation that has adopted a policy to not accept student transfers after June 30, 2013, is not prohibited from enrolling a:

(1) transfer student who attended a school within the school corporation during the 2012-2013 school year; or

(2) member of a household in which any other member of the household was a transfer student who attended a school within the school corporation during the 2012-2013 school year.

However, if a school corporation enrolls a student described in subdivision (1) or (2), the school corporation shall also allow a student or member of the same household of a student who attended ~~an~~ **a state** accredited nonpublic school within the attendance area of the school corporation during the 2012-2013 school year to enroll in a school within the school corporation.

SECTION 32. IC 20-26-13-1, AS ADDED BY P.L.1-2005, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. This chapter applies to:

(1) a public high school; and

(2) ~~an~~ **a state** accredited nonpublic high school.

SECTION 33. IC 20-26-14-9, AS ADDED BY P.L.169-2019, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. (a) Before a school corporation, charter high school, or nonpublic high school with at least one (1) employee hires or allows an individual to coach an association recognized sport, the school corporation, charter high school, or nonpublic high school shall:

(1) ask the individual:

(A) whether the individual is or has been accredited by the association; and

(B) if the individual is or has been accredited by the association, whether the individual's accreditation has ever been suspended or revoked;

(2) request references from the individual;

(3) contact the references that the individual provides to the school corporation, charter school, or **state** accredited nonpublic high school; and

(4) contact the association to determine whether the individual's accreditation has ever been suspended or revoked.

(b) Before allowing an individual to be a volunteer coach, a school corporation, charter high school, or nonpublic high school with at least one (1) employee shall conduct an expanded criminal history check (as defined in IC 20-26-2-1.5) on the individual.

(c) Without conferring the rights of an employee on a volunteer coach, a school corporation, charter high school, or nonpublic high school with at least one (1) employee is subject to IC 22-5-3-1 regarding a volunteer coach, including the provisions for civil immunity regarding disclosures made about a volunteer coach.

SECTION 34. IC 20-26-15-4, AS ADDED BY P.L.1-2005, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) **Subject to subsection (c),** the state board and the governing body of a school corporation must enter into a contract that complies with this chapter to designate a school corporation as a freeway school corporation or a school within a school corporation as a freeway school if a school corporation:

(1) petitions the state board for designation as a freeway school corporation or to have a school within the school corporation designated as a freeway school; and

(2) agrees to comply with this chapter.

(b) A school corporation becomes a freeway school corporation and a school becomes a freeway school when the contract is signed by:

(1) the state superintendent, acting for the state board after a majority of the members of the state board have voted in a public session to enter into the contract; and

(2) the president of the governing body of the school corporation, acting for the governing body of the school corporation after a

majority of the members of the governing body have voted in a public session to enter into the contract.

(c) The state board and the governing body of a school corporation may not enter into, renew, or otherwise extend a contract under this chapter after June 30, 2020.

SECTION 35. IC 20-26-15-5, AS AMENDED BY P.L.140-2018, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. Notwithstanding any other law, the operation of the following is suspended for a freeway school corporation or a freeway school if the governing body of the school corporation elects to have the specific statute or rule suspended in the contract:

(1) The following statutes and rules concerning curriculum and instructional time:

IC 20-30-2-7
IC 20-30-5-8
IC 20-30-5-9
IC 20-30-5-11
511 IAC 6-7-6
511 IAC 6.1-5-0.5
511 IAC 6.1-5-1
511 IAC 6.1-5-2.5
511 IAC 6.1-5-3.5
511 IAC 6.1-5-4.

(2) The following rule concerning pupil/teacher ratios:

511 IAC 6.1-4-1.

(3) The following statutes and rules concerning curricular materials:

IC 20-26-12-24
IC 20-26-12-26
IC 20-26-12-1
IC 20-26-12-2
511 IAC 6.1-5-5.

(4) 511 IAC 6-7, concerning graduation requirements.

(5) ~~IC 20-31-4,~~ **IC 20-31-4.1,** concerning the performance based accreditation system.

(6) IC 20-32-5 (before its expiration on July 1, 2018), concerning the ISTEP program established under IC 20-32-5-15, if an

alternative locally adopted assessment program is adopted under section 6(4) of this chapter.

SECTION 36. IC 20-26-15-9, AS ADDED BY P.L.1-2005, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. **(a) Subject to subsection (b),** the governing body of a freeway school corporation and the state board acting jointly may amend a contract entered into under this chapter:

(1) to comply with any law enacted subsequent to the formation of the contract;

(2) to alter the educational benefits to a level that is not below the minimum educational benefits listed in section 7 of this chapter; or

(3) for a purpose jointly agreed to by the parties.

(b) An amendment made under subsection (a) may not extend the term of a contract in effect on June 30, 2020.

SECTION 37. IC 20-26-15-13, AS AMENDED BY P.L.251-2017, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 13. (a) **Subject to subsection (f),** a nonpublic school may enter into a contract with the state board to become a freeway school.

(b) The state board and the governing body of a nonpublic school must enter into a contract that complies with this chapter to designate the nonpublic school as a freeway school if the nonpublic school:

(1) petitions the state board for designation as a freeway school; and

(2) agrees to comply with this chapter.

(c) A nonpublic school becomes a freeway school when the contract is signed by:

(1) the state superintendent, acting for the state board after a majority of the members of the board have voted in a public session to enter into the contract; and

(2) the president of the governing body of the nonpublic school, acting for the governing body of the nonpublic school after a majority of the members of the governing body have voted to enter into the contract.

(d) The state board shall accredit a nonpublic school that:

(1) becomes a freeway school under this chapter; and

(2) complies with the terms of the contract.

(e) The state board may accredit a nonpublic school under this section at the time the nonpublic school enters into the contract under subsection (a).

(f) The state board and the governing body of a nonpublic school may not enter into, renew, or otherwise extend a contract under this chapter after June 30, 2020.

SECTION 38. IC 20-26-15-16 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 16. This chapter expires July 1, 2025.**

SECTION 39. IC 20-26-18.2-4, AS ADDED BY P.L.227-2017, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. A school corporation, ~~an~~ **a state** accredited nonpublic school, or a charter school shall report all instances of:

(1) seclusion (as defined in IC 20-20-40-9);
(2) chemical restraint (as defined in IC 20-20-40-2);
(3) mechanical restraint (as defined in IC 20-20-40-4); and
(4) physical restraint (as defined in IC 20-20-40-5);

involving a school resource officer in accordance with the restraint and seclusion plan adopted by the school corporation, **state** accredited nonpublic school, or charter school under IC 20-20-40-14.

SECTION 40. IC 20-26.5-1-2, AS ADDED BY P.L.190-2018, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. As used in this article, "coalition member" refers to a school corporation, eligible school (as defined in IC 20-51-1-4.7), or **state** accredited nonpublic school that is approved by the state board under IC 20-26.5-2 to become a member of a coalition established under IC 20-26.5-2.

SECTION 41. IC 20-26.5-2-1, AS ADDED BY P.L.190-2018, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) The state board may approve not more than one (1) coalition of continuous improvement school districts under this chapter to offer flexibility and innovation to schools to improve student outcomes.

(b) To establish a coalition under this chapter, at least four (4), but not more than a total of eight (8), of any of the following must jointly submit a plan to the state board in a manner prescribed by the state board:

(1) A school corporation.

(2) An eligible school (as defined in IC 20-51-1-4.7).

(3) ~~An~~ **A state** accredited nonpublic school.

(c) The plan submitted under subsection (b) must include:

(1) a description of the various educational programs that will be offered by members of the proposed coalition;

(2) a description that identifies potential coalition member partnerships with:

(A) business or industry;

(B) postsecondary educational institutions; or

(C) community partners;

(3) the specific goals and the measurable student outcomes to be obtained by the proposed coalition members; and

(4) an explanation of how student performance in achieving the specific outcomes will be measured, evaluated, and reported.

If a plan submitted to the state board includes a request to suspend all or portions of IC 20-30 for a proposed coalition, the plan must include how the specific goal of the proposed coalition will be achieved by suspending all or portions of IC 20-30. The state board may approve a plan that proposes to suspend all or portions of IC 20-30 only if the suspension is related to a specific goal of the proposed coalition.

(d) The state board may approve a coalition under this chapter if the state board determines that the coalition will:

(1) improve student performance and outcomes;

(2) offer coalition members flexibility in the administration of educational programs; and

(3) promote innovative educational approaches to student learning.

(e) The plan approved by the state board under subsection (d) must apply uniformly for each member of the coalition.

(f) Upon approval of the coalition by the state board under subsection (d), the state board shall post the following on the state board's Internet web site:

(1) A copy of the plan approved by the state board under subsection (d).

(2) Information describing how a school corporation, an eligible school (as defined in IC 20-51-1-4.7), or ~~an~~ **a state** accredited

nonpublic school may submit an application to become a coalition member to the coalition under section 2(b) of this chapter.

SECTION 42. IC 20-26.5-2-2, AS ADDED BY P.L.190-2018, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) Subject to subsection (b), if the state board approves a coalition under section 1(d) of this chapter, the applicants that jointly submitted an application under section 1 of this chapter become coalition members.

(b) In addition to the coalition members described in subsection (a), a school corporation, an eligible school (as defined in IC 20-51-1-4.7), or ~~an~~ **a state** accredited nonpublic school may become a coalition member by submitting an application to the coalition, in a manner prescribed by the coalition. The coalition may submit a recommendation to the state board that an applicant under this subsection should be approved to participate in the coalition. Subject to subsection (c), the state board shall approve an application submitted under this subsection.

(c) For:

(1) the 2018-2019 school year, not more than a total of eight (8) school corporations, eligible schools (as defined in IC 20-51-1-4.7), or **state** accredited nonpublic schools may participate in the coalition;

(2) the 2019-2020 school year, not more than a total of twelve (12) school corporations, eligible schools (as defined in IC 20-51-1-4.7), or **state** accredited nonpublic schools may participate in the coalition; and

(3) the 2020-2021 school year, not more than a total of sixteen (16) school corporations, eligible schools (as defined in IC 20-51-1-4.7), or **state** accredited nonpublic schools may participate in the coalition.

(d) Beginning in the 2021-2022 school year and each school year thereafter, the state board shall limit the number of coalition members to thirty (30) school corporations, eligible schools (as defined in IC 20-51-1-4.7), or **state** accredited nonpublic schools.

SECTION 43. IC 20-26.5-2-3, AS AMENDED BY P.L.267-2019, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) Notwithstanding any other law, the

following may be suspended for a coalition member in accordance with the coalition's plan:

(1) Subject to section 1(c) of this chapter, IC 20-30, concerning curriculum.

(2) The following statutes and rules concerning curricular materials:

IC 20-26-12-1.
IC 20-26-12-2.
IC 20-26-12-24.
IC 20-26-12-26.
511 IAC 6.1-5-5.

(3) The following rules concerning teacher licenses:

511 IAC 16.
511 IAC 17.

(4) Subject to subsection (c), IC 20-31-3 (concerning the adoption of academic standards).

(5) ~~IC 20-31-4,~~ **IC 20-31-4.1,** concerning the performance based accreditation system.

(6) Except as provided in subsection (b), any other statute in IC 20 or rule in 511 IAC requested to be suspended as part of the plan that is approved by the state board under section 1 of this chapter.

(b) A coalition member may not suspend under subsection (a)(6) any of the following:

(1) IC 20-26-5-10 (criminal history and child protection index check).

(2) IC 20-28 (school teachers).

(3) IC 20-29 (collective bargaining).

(4) IC 20-31 (accountability for performance and improvement), except for IC 20-31-3 and ~~IC 20-31-4.~~ **IC 20-31-4.1.**

(5) Subject to subsection (c), IC 20-32-4 (graduation requirements).

(6) IC 20-32-5.1 (Indiana's Learning Evaluation Assessment Readiness Network (ILEARN) program).

(7) IC 20-33 (students).

(8) IC 20-34 (student health and safety measures).

(9) IC 20-35 (special education).

(10) IC 20-36 (high ability students).

(11) IC 20-39 (accounting and financial reporting procedures).
(12) IC 20-40 (government funds and accounts).
(13) IC 20-41 (extracurricular funds and accounts).
(14) IC 20-42 (fiduciary funds and accounts).
(15) IC 20-42.5 (allocation of expenditures to student instruction and learning).
(16) IC 20-43 (state tuition support).
(17) IC 20-44 (property tax levies).
(18) IC 20-46 (levies other than general fund levies).
(19) IC 20-47 (related entities; holding companies; lease agreements).
(20) IC 20-48 (borrowing and bonds).
(21) IC 20-49 (state management of common school funds; state advances and loans).
(22) IC 20-50 (homeless children and foster care children).

(c) A coalition member must comply with the postsecondary readiness competency requirements under IC 20-32-4-1.5(b)(1). However, notwithstanding any other law, a coalition member may replace high school courses on the high school transcript with courses on the same subject matter with equal or greater rigor to the required high school course and may count such a course as satisfying the equivalent diploma requirements established by IC 20 and any applicable state board administrative rules or requirements. If the coalition member school offers courses that are not aligned with requirements adopted by the state board under IC 20-30-10, a parent of a student and the student who intends to enroll in a course that is not aligned with requirements adopted by the state board under IC 20-30-10 must provide consent to the coalition member school to enroll in the course. The consent form used by the coalition, which shall be developed in collaboration with the commission for higher education, must notify the parent and the student that enrollment in the course may affect the student's ability to attend a particular postsecondary educational institution or enroll in a particular course at a particular postsecondary educational institution because the course does not align with requirements established by the state board under IC 20-30-10.

SECTION 44. IC 20-27-10-0.5, AS ADDED BY P.L.144-2019, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

UPON PASSAGE]: Sec. 0.5. (a) On or before September 1, 2019, and each September 1 thereafter, each school corporation, charter school, and **state** accredited nonpublic school that provides transportation for students must review the school's school bus routes and school bus safety policies to improve the safety of students and adults.

(b) The state school bus committee, in consultation with the department, shall develop and post on the department's Internet web site school bus safety guidelines or best practices. The guidelines or best practices must include procedures to be taken to ensure that students do not enter a roadway until approaching traffic has come to a complete stop.

(c) In addition to the requirements under subsection (b), the department, in consultation with the department of transportation, shall include on the department's Internet web site information on how an individual or school may petition to reduce maximum speed limits in areas necessary to ensure that students are safely loaded onto or unloaded from a school bus.

SECTION 45. IC 20-28-3-3.5, AS ADDED BY P.L.220-2015, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3.5. The guidelines developed under section 3 of this chapter must incorporate methods that assist individuals in developing competency in employing approaches to create positive classroom and school climates that are culturally responsive, including:

(1) classroom management strategies;

(2) restorative justice;

(3) positive behavioral interventions and supports;

(4) social and emotional training as described in IC 12-21-5-2, ~~IC 20-19-2-10,~~ IC 20-19-3-12, and IC 20-26-5-34.2; and

(5) conflict resolution.

SECTION 46. IC 20-28-3-4.5, AS ADDED BY P.L.183-2017, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 4.5. (a) Each school corporation, charter school, and **state** accredited nonpublic school shall require each school employee likely to have direct, ongoing contact with children within the scope of the employee's employment to attend or participate in training on child abuse and neglect, including:

(1) training on the duty to report suspected child abuse or neglect under IC 31-33-5; and

(2) training on recognizing possible signs of child abuse or neglect;

~~at least once every two (2) years.~~ **in a manner prescribed by the state board under IC 20-28-5.5-1.**

~~(b) The format of training under this section may include:~~

~~(1) an in-person presentation;~~

~~(2) an electronic or technology based medium, including self-review modules available on an online system;~~

~~(3) an individual program of study of designated materials; or~~

~~(4) any other method approved by the governing body that is consistent with current professional development standards.~~

~~(c)~~ **(b)** The training required under this section must count toward the requirements for professional development required by the governing body.

~~(d)~~ **(c) In the event the state board does not require training to be completed as part of a teacher preparation program under IC 20-28-5.5-1,** the training required under this section must be during the school employee's contracted day or at a time chosen by the employee.

SECTION 47. IC 20-28-3-6, AS AMENDED BY P.L.56-2018, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 6. (a) For purposes of this section, "teacher" includes the following:

(1) A superintendent who holds a license under IC 20-28-5.

(2) A principal.

(3) A teacher.

(4) A librarian.

(5) A school counselor.

(6) A school psychologist.

(7) A school nurse.

(8) A school social worker.

(b) Beginning after June 30, 2018, each school corporation, charter school, and **state** accredited nonpublic school:

(1) shall require all teachers; and

(2) may require any other appropriate school employees;

who are employed at schools that provide instruction to students in any combination of grade 5, 6, 7, 8, 9, 10, 11, or 12 to attend or participate in ~~at least two (2) hours of~~ research based inservice youth suicide

awareness and prevention training ~~every three (3) school years.~~ **in a manner prescribed by the state board under IC 20-28-5.5-1.** The training required under this subsection must be during the teacher's or school employee's contracted day or at a time chosen by the teacher or employee.

~~(c) Subject to subsection (c), the format of training required under this section may include:~~

~~(1) an in-person presentation;~~

~~(2) an electronic or technology based medium, including self-review modules available on an online system;~~

~~(3) an individual program of study of designated materials; or~~

~~(4) any other method approved by the governing body that is consistent with current professional development standards.~~

~~(d)~~ **(c)** The inservice training required under this section shall count toward the requirements for professional development required by the governing body.

~~(e) The research based youth suicide awareness and prevention training program required under subsection (b) must be:~~

~~(1) demonstrated to be an effective or promising program; and~~

~~(2) recommended by the Indiana Suicide Prevention Network Advisory Council.~~

~~(f)~~ **(d)** A school or school corporation may leverage any:

(1) existing or new state and federal grant funds; or

(2) free or reduced cost evidence based youth suicide awareness and prevention training provided by any state agency or qualified statewide or local organization;

to cover the costs of the training required under this section.

SECTION 48. IC 20-28-3-7, AS ADDED BY P.L.211-2018(ss), SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 7. (a) Each school corporation and **state** accredited nonpublic school shall require all school employees likely to have direct, ongoing contact with children within the scope of the employee's employment to attend or participate in ~~at least one (1) hour of~~ inservice training ~~every two (2) school years~~ pertaining to the identification and reporting of human trafficking. **The training shall be conducted in a manner prescribed by the state board under IC 20-28-5.5-1.**

~~(b) The format of the inservice training required under this section may include:~~

~~(1) an in-person presentation;~~

~~(2) an electronic or technology based medium, including self-review modules available on an online system;~~

~~(3) an individual program of study of designated materials; or~~

~~(4) any other method approved by the governing body, or the equivalent authority for an accredited nonpublic school, that is consistent with current professional development standards.~~

~~(c)~~ **(b)** The inservice training required under this section shall count toward the requirements for professional development required by the governing body or the equivalent authority for ~~an~~ **a state** accredited nonpublic school.

SECTION 49. IC 20-28-4-10, AS AMENDED BY P.L.205-2013, SECTION 251, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 10. (a) The state board may adopt rules under IC 4-22-2 to administer this chapter.

(b) Rules adopted under this section must include a requirement that entities approved to offer the program submit an annual report to the department of the number of individuals who:

(1) enroll in; and

(2) complete;

the program.

(c) Rules adopted under this section may not require that there be a shortage of other licensed teachers in order for the governing body of a school corporation, including a charter school, or the appointing authority of ~~an~~ **a state** accredited nonpublic school to employ a program participant.

(d) Rules adopted under this section may not impose program requirements, participant qualification requirements, or licensing requirements that are in addition to the requirements set forth in this chapter.

SECTION 50. IC 20-28-5-3, AS AMENDED BY P.L.85-2017, SECTION 79, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 3. (a) The department shall designate the grade point average required for each type of license.

(b) The department shall determine details of licensing not provided in this chapter, including requirements regarding the following:

(1) The conversion of one (1) type of license into another.

(2) The accreditation of teacher education schools and departments.

(3) The exchange and renewal of licenses.

(4) The endorsement of another state's license.

(5) The acceptance of credentials from teacher education institutions of another state.

(6) The academic and professional preparation for each type of license.

(7) The granting of permission to teach a high school subject area related to the subject area for which the teacher holds a license.

(8) The issuance of licenses on credentials.

(9) The type of license required for each school position.

(10) The size requirements for an elementary school requiring a licensed principal.

(11) Any other related matters.

The department shall establish at least one (1) system for renewing a teaching license that does not require a graduate degree.

~~(c) This subsection does not apply to an applicant for a substitute teacher license or to an individual granted a license under section 18 of this chapter. After June 30, 2011, the department may not issue an initial practitioner license at any grade level to an applicant for an initial practitioner license unless the applicant shows evidence that the applicant:~~

~~(1) has successfully completed training approved by the department in:~~

~~(A) cardiopulmonary resuscitation that includes a test demonstration on a mannequin;~~

~~(B) removing a foreign body causing an obstruction in an airway;~~

~~(C) the Heimlich maneuver; and~~

~~(D) the use of an automated external defibrillator;~~

~~(2) holds a valid certification in each of the procedures described in subdivision (1) issued by:~~

~~(A) the American Red Cross;~~

~~(B) the American Heart Association; or~~

~~(C) a comparable organization or institution approved by the state board; or~~

~~(3) has physical limitations that make it impracticable for the applicant to complete a course or certification described in subdivision (1) or (2).~~

~~The training in this subsection applies to a teacher (as defined in IC 20-18-2-22(b)).~~

~~(d) This subsection does not apply to an applicant for a substitute teacher license or to an individual granted a license under section 18 of this chapter. After June 30, 2013, the department may not issue an initial teaching license at any grade level to an applicant for an initial teaching license unless the applicant shows evidence that the applicant has successfully completed education and training on the prevention of child suicide and the recognition of signs that a student may be considering suicide.~~

~~(e) This subsection does not apply to an applicant for a substitute teacher license. After June 30, 2012, the department may not issue a teaching license renewal at any grade level to an applicant unless the applicant shows evidence that the applicant:~~

~~(1) has successfully completed training approved by the department in:~~

~~(A) cardiopulmonary resuscitation that includes a test demonstration on a mannequin;~~

~~(B) removing a foreign body causing an obstruction in an airway;~~

~~(C) the Heimlich maneuver; and~~

~~(D) the use of an automated external defibrillator;~~

~~(2) holds a valid certification in each of the procedures described in subdivision (1) issued by:~~

~~(A) the American Red Cross;~~

~~(B) the American Heart Association; or~~

~~(C) a comparable organization or institution approved by the state board; or~~

~~(3) has physical limitations that make it impracticable for the applicant to complete a course or certification described in subdivision (1) or (2).~~

~~(f)~~ **(c)** The department shall periodically publish bulletins regarding:

(1) the details described in subsection (b);

(2) information on the types of licenses issued;

(3) the rules governing the issuance of each type of license; and

(4) other similar matters.

SECTION 51. IC 20-28-5-15, AS AMENDED BY P.L.121-2009, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 15. (a) Notwithstanding section 3(b)(6) of this chapter, the department shall grant an initial practitioner's license in a specific subject area to an applicant who:

(1) has earned a postgraduate degree from a regionally accredited postsecondary educational institution in the subject area in which the applicant seeks to be licensed;

(2) has at least one (1) academic year of experience teaching students in a middle school, high school, or college classroom setting; and

(3) complies with sections 4 and 12 of this chapter.

(b) An individual who receives an initial practitioner's license under this section may teach in the specific subject for which the individual is licensed only in:

(1) high school; or

(2) middle school;

if the subject area is designated by the state board as having an insufficient supply of licensed teachers.

(c) After receiving an initial practitioner's license under this section, an applicant who seeks to renew the applicant's initial practitioner's license or obtain a proficient practitioner's license must:

(1) demonstrate that the applicant has:

(A) participated in cultural competency professional development activities;

(B) obtained training and information from a special education teacher concerning exceptional learners; and

(C) received:

(i) training or certification that complies; or

(ii) an exemption from compliance;

with the standards ~~set forth in section 3(c) of this chapter;~~ **prescribed by the state board under IC 20-28-5.5-1(b);** and

(2) meet the same requirements as other candidates.

SECTION 52. IC 20-28-5-18, AS ADDED BY P.L.106-2016, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 18. (a) This section applies to an individual who:

(1) holds a valid teaching license issued by another state (excluding a teaching license equivalent to an Indiana temporary or emergency teaching license) in the same content area or areas for which the individual is applying for a license in Indiana; and

(2) was required to pass a content licensure test to obtain the license described in subdivision (1).

(b) Notwithstanding sections 3 and 12 of this chapter, the department shall grant one (1) of the following licenses to an individual described in subsection (a):

(1) If the individual has less than three (3) years of full-time teaching experience, an initial practitioner's license.

(2) If the individual has at least three (3) years of full-time teaching experience, a practitioner's license.

(c) An individual who is granted a license under this section shall comply with ~~section 3(c) and 3(d) of this chapter not later than twelve (12) months after the date the individual's license is issued.~~ **the training or certification requirements prescribed by the state board under IC 20-28-5.5-1(b).**

SECTION 53. IC 20-28-5.5 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]:

Chapter 5.5. Training for Teachers

Sec. 1. (a) The state board shall determine the timing, frequency, whether training requirements can be combined or merged, and the method of training, including whether the training should be required for purposes of obtaining or renewing a license under IC 20-28-5, or, in consultation with teacher preparation programs (as defined in IC 20-28-3-1(b)), as part of the completion requirements for a teacher preparation program for training required under the following sections:

IC 20-26-5-34.2.
IC 20-28-3-4.5.
IC 20-28-3-6.
IC 20-28-3-7.
IC 20-34-7-6.
IC 20-34-7-7.

However, nothing in this subsection shall be construed to authorize the state board to suspend or otherwise eliminate training requirements described in this subsection.

(b) In addition to the training described in subsection (a), the department shall, in a manner prescribed by the state board:

(1) ensure a teacher has training in:

(A) cardiopulmonary resuscitation that includes a test demonstration on a mannequin;

(B) removing a foreign body causing an obstruction in an airway;

(C) the Heimlich maneuver; and

(D) the use of an automated external defibrillator;

(2) ensure a teacher holds a valid certification in each of the procedures described in subdivision (1) issued by:

(A) the American Red Cross;

(B) the American Heart Association; or

(C) a comparable organization or institution approved by the state board; or

(3) determine if a teacher has physical limitations that make it impracticable to complete a course or certification described in subdivision (1) or (2).

The state board shall determine the timing, frequency, whether training requirements can be combined or merged, and the method of training or certification, including whether the training or certification should be required for purposes of obtaining or renewing a license under IC 20-28-5, or, in consultation with teacher preparation programs (as defined in IC 20-28-3-1(b)), as part of the completion requirements for a teacher preparation program. However, the frequency of the training may not be more frequent and the method of training may not be more stringent than required in IC 20-28-5-3(c) through IC 20-28-5-3(e), as in effect on January 1, 2020. Nothing in this subsection shall be construed to authorize the state board to suspend or otherwise eliminate training requirements described in this subsection.

(c) The state board may recommend to the general assembly in a report in an electronic format under IC 5-14-6, to eliminate training requirements described in subsection (a) or (b).

(d) In determining the training requirements for a school corporation, charter school, or accredited nonpublic school for training required under:

(1) IC 20-26-5-34.2;

(2) IC 20-28-3-4.5;

(3) IC 20-28-3-6; or

(4) IC 20-28-3-7;

the state board may consider whether a particular teacher received the training described in this subsection as part of the teacher's licensing requirements or at a teacher preparation program when determining whether the particular teacher is required to receive the training by the school corporation, charter school, or accredited nonpublic school.

Sec. 2. The department shall:

(1) publish the requirements established by the state board under this chapter on the department's Internet web site;

(2) notify teacher preparation programs of training required to be completed as part of the teacher preparation program; and

(3) notify teachers of training requirements under this chapter that a teacher must complete in order for the teacher to renew the teacher's license under IC 20-28-5.

Sec. 3. The state board shall adopt rules under IC 4-22-2 necessary to implement this chapter.

SECTION 54. IC 20-30-1-1, AS ADDED BY P.L.1-2005, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. This article applies only to the following:

(1) Public schools.

(2) ~~Nonpublic schools that voluntarily have become accredited under IC 20-19-2-8.~~ **State accredited nonpublic schools.**

SECTION 55. IC 20-30-5-5.7, AS ADDED BY P.L.115-2017, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5.7. (a) Not later than December 15, 2018, and each December 15 thereafter, each public school, including a charter school, and **state** accredited nonpublic school shall provide age appropriate and research and evidence based instruction on child abuse and child sexual abuse to students in kindergarten through grade 12.

(b) The department, in consultation with school safety specialists and school counselors, shall identify outlines or materials for the instruction described in subsection (a) and incorporate the instruction in kindergarten through grade 12.

(c) Instruction on child abuse and child sexual abuse may be delivered by a school safety specialist, school counselor, or any other person with training and expertise in the area of child abuse and child sexual abuse.

SECTION 56. IC 20-30-5-7, AS AMENDED BY P.L.97-2019, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) Each school corporation shall include in the school corporation's curriculum the following studies:

(1) Language arts, including:
(A) English;
(B) grammar;
(C) composition;
(D) speech; and
(E) second languages.

(2) Mathematics.

(3) Social studies and citizenship, including the:
(A) constitutions;
(B) governmental systems; and
(C) histories;

of Indiana and the United States, including an enhanced study of the Holocaust in each high school United States history course. As part of the United States government credit awarded for the general, Core 40, Core 40 with academic honors, and Core 40 with technical honors designation, each high school shall administer the naturalization examination provided by the United States Citizenship and Immigration Services.

(4) Sciences, including, after June 30, 2021, computer science.

(5) Fine arts, including music and art.

(6) Health education, physical fitness, safety, and the effects of alcohol, tobacco, drugs, and other substances on the human body.

(7) Additional studies selected by each governing body, subject to revision by the state board.

(b) Each:

(1) school corporation;

(2) charter school; and

(3) **state** accredited nonpublic school;

shall offer the study of ethnic and racial groups as a one (1) semester elective course in its high school curriculum at least once every school year.

(c) The course described in subsection (b) may be offered by the school corporation, charter school, or **state** accredited nonpublic school through a course access program administered by the department.

SECTION 57. IC 20-30-5-13, AS ADDED BY P.L.1-2005, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 13. Throughout instruction on human sexuality or sexually transmitted diseases, ~~an~~ **a state** accredited school shall:

(1) require a teacher to teach abstinence from sexual activity outside of marriage as the expected standard for all school age children;

(2) include in the instruction that abstinence from sexual activity is the only certain way to avoid out-of-wedlock pregnancy, sexually transmitted diseases, and other associated health problems; and

(3) include in the instruction that the best way to avoid sexually transmitted diseases and other associated health problems is to establish a mutually faithful monogamous relationship in the context of marriage.

SECTION 58. IC 20-30-5-19, AS ADDED BY P.L.154-2009, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 19. (a) Each school corporation, charter school, and **state** accredited nonpublic school shall include in its curriculum for all students in grades 6 through 12 instruction concerning personal financial responsibility.

(b) A school corporation, a charter school, and ~~an~~ **a state** accredited nonpublic school may meet the requirements of subsection (a) by:

(1) integrating, within its curriculum, instruction; or

(2) conducting a seminar;

that is designed to foster overall personal financial responsibility.

(c) The state board shall adopt a curriculum that ensures personal financial responsibility is taught:

(1) in a manner appropriate for each grade level; and

(2) as a separate subject or as units incorporated into appropriate subjects;

as determined by the state board.

SECTION 59. IC 20-30-5-20, AS AMENDED BY P.L.159-2019, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 20. (a) As used in this section, "charter school" does not include a virtual charter school, as defined in IC 20-24-1-10.

(b) As used in this section, "psychomotor skills" means skills using hands on practice to support cognitive learning.

(c) Except as provided in subsection (f), each school corporation, charter school, and **state** accredited nonpublic school shall include in the charter school's, school corporation's, or **state** accredited nonpublic school's high school health education curriculum instruction in cardiopulmonary resuscitation and use of an automated external defibrillator for its students. The instruction must incorporate the psychomotor skills necessary to perform cardiopulmonary resuscitation and use an automated external defibrillator and must include either of the following:

(1) An instructional program developed by the American Heart Association or the American Red Cross.

(2) An instructional program that is nationally recognized and is based on the most current national evidence based emergency cardiovascular care guidelines for cardiopulmonary resuscitation and the use of an automated external defibrillator.

(d) A school corporation, **a** charter school, or ~~an~~ **a state** accredited nonpublic school may offer the instruction required in subsection (c) or may arrange for the instruction to be provided by available community based providers. The instruction is not required to be provided by a teacher. If instruction is provided by a teacher, the teacher is not required to be a certified trainer of cardiopulmonary resuscitation.

(e) This section shall not be construed to require a student to become certified in cardiopulmonary resuscitation and the use of an automated external defibrillator. However, if a school corporation, charter school, or **state** accredited nonpublic school chooses to offer a course that results in certification being earned, the course must be taught by an instructor authorized to provide the instruction by the

American Heart Association, the American Red Cross, or a similar nationally recognized association.

(f) A school administrator may waive the requirement that a student receive instruction under subsection (c) if the student has a disability or is physically unable to perform the psychomotor skill component of the instruction required under subsection (c).

SECTION 60. IC 20-30-5-21, AS ADDED BY P.L.219-2015, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 21. ~~An~~ **A state** accredited school may not offer, support, or promote any student program, class, or activity that provides student instruction that is contrary to a curriculum required to be provided to students under this chapter.

SECTION 61. IC 20-30-5-22, AS ADDED BY P.L.162-2017, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 22. (a) Each:

(1) school corporation;

(2) charter school; and

(3) **state** accredited nonpublic school;

shall offer Indiana studies as a one (1) semester elective course in its high school curriculum at least once every school year.

(b) The course described in subsection (a) may be offered by the school corporation, charter school, or **state** accredited nonpublic school through a course access program administered by the department.

SECTION 62. IC 20-30-7-5, AS ADDED BY P.L.1-2005, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. A school corporation may enter into an agreement with:

(1) another school corporation;

(2) ~~an~~ **a state** accredited nonpublic school; or

(3) both entities described in subdivisions (1) and (2);

to offer a joint summer school program for high school students.

SECTION 63. IC 20-30-14.5-3, AS ADDED BY P.L.226-2015, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) The state certificate of biliteracy is created to:

(1) encourage students to study languages;

(2) certify the attainment of biliteracy;

(3) provide employers with a method of identifying individuals with language and biliteracy skills;

(4) provide postsecondary educational institutions with an additional method to recognize applicants for admission;

(5) prepare students with twenty-first century skills;

(6) recognize the value of foreign language and native language instruction in public schools; and

(7) strengthen intergroup relationships, affirm the value of diversity, and honor the multiple cultures and languages of a community.

(b) The receipt of the certificate demonstrates the attainment of a high level of proficiency by a graduate of a public or ~~an~~ **a state** accredited nonpublic high school, sufficient for meaningful use in college and a career, in one (1) or more languages in addition to English.

(c) A school corporation, a charter school, or ~~an~~ **a state** accredited nonpublic high school is not required to participate in the certificate program.

SECTION 64. IC 20-30-14.5-4, AS ADDED BY P.L.226-2015, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. The state board shall:

(1) establish the criteria for earning a certificate, including:

(A) the number of credits a student must earn in English and language arts and in a language other than English; and

(B) assessments of foreign language and English proficiency the state board considers necessary;

(2) direct the department to prepare and deliver to participating school corporations, charter schools, and **state** accredited nonpublic high schools an appropriate mechanism for awarding the certificate and designating on a student's transcript that the student has been awarded a certificate; and

(3) direct the department to provide any other information the state board considers necessary for school corporations, charter schools, and **state** accredited nonpublic high schools to successfully participate in the certificate program.

SECTION 65. IC 20-30-14.5-5, AS ADDED BY P.L.226-2015, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

UPON PASSAGE]: Sec. 5. A participating school corporation, charter school, or **state** accredited nonpublic high school shall:

(1) maintain appropriate records to identify students who have earned a certificate; and

(2) make the appropriate designation on the transcript of each student who earns a certificate.

SECTION 66. IC 20-31-1-1, AS AMENDED BY P.L.169-2016, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. This article applies only to the following:

(1) Except as provided in ~~IC 20-31-4-1.1,~~ **IC 20-31-4.1-3,** public schools.

(2) Except as provided in IC 20-31-7 and IC 20-31-9, ~~nonpublic schools that voluntarily become accredited under IC 20-19-2-8.~~ **state accredited nonpublic schools.**

SECTION 67. IC 20-31-2-8, AS ADDED BY P.L.1-2005, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. "School" refers to a public school or ~~an~~ **a state** accredited nonpublic school.

SECTION 68. IC 20-31-4 IS REPEALED [EFFECTIVE UPON PASSAGE]. (Performance Based Accreditation).

SECTION 69. IC 20-31-4.1 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 4.1. Performance Based Accreditation

Sec. 1. As used in this chapter, "legal standards" means Indiana statutes and rules adopted by the state board that apply to each school for accreditation.

Sec. 2. (a) A school in Indiana shall be accredited under the system established by this chapter if the school meets legal standards as determined by the state board.

(b) The state board shall establish a performance based accreditation system for accrediting schools in Indiana under this chapter.

(c) The department shall waive accreditation standards for an accredited nonpublic alternative school that enters into a contract with a school corporation to provide alternative education services for students who have:

(1) dropped out of high school;

(2) been expelled; or

(3) been sent to the nonpublic alternative school due to the students' lack of success in the public school environment;

to accommodate the nonpublic alternative school's program and student population. A nonpublic alternative school to which this subsection applies is not subject to being placed in a category or designation under IC 20-31-8-4. However, the nonpublic alternative school must comply with all state reporting requirements and submit a school improvement growth model on the anniversary date of the nonpublic alternative school's original accreditation.

(d) The state board may accredit a nonpublic school under this chapter at the time the nonpublic school begins operation in Indiana.

(e) A school accredited under IC 20-26-15 shall be accredited under this chapter by the earlier of the following:

(1) The date the school's contract under IC 20-26-15 expires.

(2) July 1, 2025.

Sec. 3. (a) The state board shall accredit a school that:

(1) becomes a charter school under IC 20-24; and

(2) complies with the requirements under IC 20-24.

(b) An authorizer (as defined in IC 20-24-1-2.5) of a charter school is responsible for ensuring that the charter school is in compliance with applicable legal standards as determined by the state board.

Sec. 4. (a) Subject to subsection (c) and section 7 of this chapter, a school or group of schools accredited under this chapter may submit an application to the state board, in a manner prescribed by the state board, requesting flexibility and to waive compliance with any provision in this title or 511 IAC in order to do one (1) or more of the following:

(1) Improve student performance and outcomes.

(2) Offer the applicant flexibility in the administration of educational programs or improve the efficiency of school operations.

(3) Promote innovative educational approaches to student learning.

(4) Advance the mission or purpose of the school or group of schools.

(b) The application submitted under subsection (a) must include the following:

(1) A list of the one (1) or more provisions in this title, 511 IAC, or this title and 511 IAC that the school or group of schools is requesting that the state board waive.

(2) The following information:

(A) The specific goal or outcome or goals or outcomes that the school or group of schools intends to achieve by waiving the provisions described in subdivision (1).

(B) How the specific goals or outcomes described in clause (A) are likely to be achieved by waiving compliance with the provisions described in subdivision (1).

(3) For an application submitted by:

(A) the governing body of a school corporation, a copy of the resolution adopted by the governing body approving the submission of the application;

(B) a charter school, written authorization by the charter school organizer approving the submission of the application; or

(C) a nonpublic school, written authorization by the person or agency in active charge and management of the nonpublic school approving the submission of the application.

Sec. 5. (a) The state board may approve an application to waive compliance with provisions described in section 4 of this chapter only if the waiver request is related to a specific goal or outcome of the school or group of schools.

(b) The state board may approve an application under this chapter if the state board determines that approving the application will likely:

(1) improve student performance and outcomes;

(2) offer the applicant flexibility in the administration of educational programs or improve the efficiency of school operations;

(3) promote innovative educational approaches to student learning; or

(4) advance the mission or purpose of the school or group of schools.

Sec. 6. (a) Notwithstanding any other law and subject to section 7 of this chapter, an applicant whose application is approved by the state board under section 5 of this chapter may waive compliance with any provision in this title or 511 IAC that is approved for waiver by the state board.

(b) The flexibility provided under this chapter is separate and distinct from flexibility provided under IC 20-26.5-2.

Sec. 7. A school or group of schools that submits an application under section 4 of this chapter may not request to waive any of the following provisions:

IC 20-26-5-10 (criminal history and child protection index check).
IC 20-27-7 (school bus inspection and registration).
IC 20-27-8-1 (school bus drivers and monitors).
IC 20-27-8-2 (school bus driver driving summary).
IC 20-27-10-3 (capacity of school bus).
IC 20-28 (school teachers).
IC 20-29 (collective bargaining).
IC 20-30-5-0.5 (display of United States flag; Pledge of Allegiance).
IC 20-30-5-1 (constitutions).
IC 20-30-5-2 (constitutions; interdisciplinary course).
IC 20-30-5-3 (protected writings).
IC 20-30-5-4 (American history).
IC 20-30-5-4.5 (moment of silence).
IC 20-30-5-5 (morals instruction).
IC 20-30-5-6 (good citizenship instruction).
IC 20-30-5-13 (human sexuality instructional requirements).
IC 20-30-5-17 (access to materials; consent for participation).
IC 20-30-5-21 (contrary student instruction not permitted).
IC 20-30-5-22 (Indiana studies).
IC 20-31 (accountability for performance and improvement).
IC 20-32-4 (graduation requirements).
IC 20-32-5.1 (Indiana's Learning Evaluation Assessment Readiness Network (ILEARN) program).
IC 20-33-1 (equal educational opportunity).

IC 20-34 (student health and safety measures).
IC 20-35 (special education).
IC 20-36 (high ability students).
IC 20-39 (accounting and financial reporting procedures).
IC 20-40 (government funds and accounts).
IC 20-41 (extracurricular funds and accounts).
IC 20-42 (fiduciary funds and accounts).
IC 20-42.5 (allocation of expenditures to student instruction and learning).
IC 20-43 (state tuition support).
IC 20-44 (property tax levies).
IC 20-46 (levies other than general fund levies).
IC 20-47 (related entities; holding companies; lease agreements).
IC 20-48 (borrowing and bonds).
IC 20-49 (state management of common school funds; state advances and loans).
IC 20-50 (homeless children and foster care children).
IC 20-51 (school scholarships).

Sec. 8. (a) The state board shall periodically review compliance waiver requests that were approved by the state board under this chapter.

(b) The state board may:

(1) amend, suspend, or revoke a compliance waiver request that was approved by the state board if the state board determines that the school or group of schools is not meeting the goals or outcomes described in the applicable application; and

(2) grant approval of a waiver described in section 4 of this chapter as part of a school's application for accreditation under this chapter.

Sec. 9. Not later than November 1, 2020, and not later than November 1 each year thereafter, the state board shall do the following:

(1) Prepare a report that includes a:

(A) summary of the compliance waiver requests received by the state board; and

(B) description of compliance waiver requests that were approved and compliance waiver requests that were denied by the state board.

(2) Submit the report prepared under subdivision (1) to the general assembly in an electronic format under IC 5-14-6.

Sec. 10. The state board shall adopt rules under IC 4-22-2 necessary to implement this chapter.

SECTION 70. IC 20-32-1-1, AS ADDED BY P.L.1-2005, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. This article applies only to the following:

(1) Public schools.

(2) ~~Nonpublic schools that voluntarily have become accredited under IC 20-19-2-8.~~ **State accredited nonpublic schools.**

SECTION 71. IC 20-32-2-3, AS ADDED BY P.L.1-2005, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. "Student" means an individual who is enrolled in:

(1) a public school;

(2) ~~an~~ **a state** accredited nonpublic school; or

(3) another nonpublic school that has requested and received from the state board specific approval of the school's educational program.

SECTION 72. IC 20-32-3-2, AS AMENDED BY P.L.233-2015, SECTION 238, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. As used in this chapter, "student" refers to a student who meets the following conditions:

(1) Is enrolled in a public school, ~~an~~ **a state** accredited nonpublic school, or a nonpublic school that has requested and received from the state board specific approval for the school's education program.

(2) Is in at least grade 9.

(3) If the student is a student with a disability (as defined in IC 20-35-1-8), would benefit from the participation under this chapter as determined by the individualized education program for the student.

SECTION 73. IC 20-32-4-1.5, AS AMENDED BY P.L.10-2019, SECTION 84, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1.5. (a) This subsection expires July 1, 2022.

Except as provided in subsection (f) and sections 4, 5, 6, 7, 8, 9, and 10 of this chapter, each student is required to meet:

(1) the academic standards tested in the graduation examination;

(2) the Core 40 course and credit requirements adopted by the state board under IC 20-30-10; and

(3) any additional requirements established by the governing body;

to be eligible to graduate.

(b) Except as provided in subsection (f) and sections 4, 4.1, 5, 6, 7, 8, 9, and 10 of this chapter, beginning with the class of students who expect to graduate during the 2022-2023 school year, each student shall:

(1) demonstrate college or career readiness through a pathway established by the state board, in consultation with the department of workforce development and the commission for higher education;

(2) meet the Core 40 course and credit requirements adopted by the state board under IC 20-30-10; and

(3) meet any additional requirements established by the governing body;

to be eligible to graduate.

(c) The state board shall establish graduation pathway requirements under subsection (b)(1) in consultation with the department of workforce development and the commission for higher education. A graduation pathway requirement may include the following postsecondary readiness competencies approved by the state board:

(1) International baccalaureate exams.

(2) Nationally recognized college entrance assessments.

(3) Advanced placement exams.

(4) Assessments necessary to receive college credit for dual credit courses.

(5) Industry recognized certificates.

(6) The Armed Services Vocational Aptitude Battery.

(7) Cambridge International exams.

(8) Any other competency approved by the state board.

(d) If the state board establishes a nationally recognized college entrance exam as a graduation pathway requirement, the nationally recognized college entrance exam must be offered to a student at the

school in which the student is enrolled and during the normal school day.

(e) When an apprenticeship is established as a graduation pathway requirement, the state board shall establish as an apprenticeship only an apprenticeship program registered under the federal National Apprenticeship Act (29 U.S.C. 50 et seq.) or another federal apprenticeship program administered by the United States Department of Labor.

(f) Notwithstanding subsection (a), a school corporation, charter school, or **state** accredited nonpublic school may voluntarily elect to use graduation pathways described in subsection (b) in lieu of the graduation examination requirements specified in subsection (a) prior to July 1, 2022.

(g) The state board, in consultation with the department of workforce development and the commission for higher education, shall approve college and career pathways relating to career and technical education, including sequences of courses leading to student concentrators.

SECTION 74. IC 20-32-4-4.1, AS ADDED BY P.L.192-2018, SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 4.1. (a) Subject to subsection (b), a student may receive a waiver from the postsecondary readiness competency requirements established under section 1.5(c) of this chapter:

(1) if:

(A) the student was unsuccessful in completing a postsecondary readiness competency requirement established by the state board under section 1.5(c) of this chapter by the conclusion of the student's senior year, including a student who was in the process of completing a competency at one (1) school that was not offered by the school to which the student transferred; and

(B) the student attempted to achieve at least three (3) separate postsecondary readiness competencies established by the state board under section 1.5(c) of this chapter; or

(2) if a student transfers to a school subject to the requirements of this chapter during the student's senior year from a nonaccredited nonpublic school **that has less than one (1) employee** or a school out of state and the student:

(A) attempted to achieve at least one (1) postsecondary readiness competency requirement established by the state board under section 1.5(c) of this chapter; and

(B) was unsuccessful in completing the attempted postsecondary readiness competency described in clause (A).

(b) For a student to receive a waiver described in subsection (a), the student must:

(1) maintain at least a "C" average, or its equivalent, throughout the student's high school career in courses comprising credits required for the student to graduate;

(2) maintain a school attendance rate of at least ninety-five percent (95%) with excused absences not counting against the student's attendance;

(3) satisfy all other state and local graduation requirements beyond the postsecondary readiness competency requirements established by the state board under section 1.5(c) of this chapter; and

(4) demonstrate postsecondary planning, including:

(A) college acceptance;

(B) acceptance in an occupational training program;

(C) workforce entry; or

(D) military enlistment;

that is approved by the principal of the student's school.

SECTION 75. IC 20-33-2-10, AS AMENDED BY P.L.144-2012, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. (a) Each public school shall and each private school may require a student who initially enrolls in the school to provide:

(1) the name and address of the school the student last attended; and

(2) a certified copy of the student's birth certificate or other reliable proof of the student's date of birth.

(b) Not more than fourteen (14) days after initial enrollment in a school, the school shall request the student's records from the school the student last attended.

(c) If the document described in subsection (a)(2):

(1) is not provided to the school not more than thirty (30) days after the student's enrollment; or

(2) appears to be inaccurate or fraudulent;

the school shall notify the Indiana clearinghouse for information on missing children and missing endangered adults established under IC 10-13-5-5 and determine if the student has been reported missing.

(d) A school in Indiana receiving a request for records shall send the records promptly to the requesting school. However, if a request is received for records to which a notice has been attached under IC 31-36-1-5 (or IC 31-6-13-6 before its repeal), the school:

(1) shall immediately notify the Indiana clearinghouse for information on missing children and missing endangered adults;

(2) may not send the school records without the authorization of the clearinghouse; and

(3) may not inform the requesting school that a notice under IC 31-36-1-5 (or IC 31-6-13-6 before its repeal) has been attached to the records.

(e) Notwithstanding subsection (d), if a parent of a child who has enrolled in ~~an~~ **a state** accredited nonpublic school is in breach of a contract that conditions release of student records on the payment of outstanding tuition and other fees, the **state** accredited nonpublic school shall provide a requesting school sufficient verbal information to permit the requesting school to make an appropriate placement decision regarding the child.

SECTION 76. IC 20-33-2-47, AS ADDED BY P.L.1-2005, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 47. (a) A school corporation may develop and implement a system of notifying the parent of a student when:

(1) the student fails to attend school; and

(2) the student does not have an excused absence for that day.

(b) A school corporation or ~~an~~ **a state** accredited nonpublic school shall report to the local health department the percentage of student absences above a threshold determined by the department by rule adopted under IC 4-22-2.

(c) If a school corporation implements a notification system under this chapter, the attendance officer or the attendance officer's designee shall make a reasonable effort to contact by telephone the parent of each student who has failed to attend school and does not have an excused absence for that day.

(d) If an attendance officer or an attendance officer's designee has made a reasonable effort to contact a parent under subsection (c), the school corporation is immune from liability for any damages suffered by the parent claimed because of failure to contact the parent.

SECTION 77. IC 20-33-3-7, AS ADDED BY P.L.1-2005, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) This chapter applies to a child less than eighteen (18) years of age who is employed or is seeking employment in Indiana.

(b) A child less than eighteen (18) years of age who is a resident of Indiana and who requires an employment certificate shall obtain the employment certificate from the issuing officer of the:

(1) **state** accredited school ~~(as described in IC 20-19-2-8(a)(5))~~ that the child attends; or

(2) school corporation in which the child resides.

(c) A child less than eighteen (18) years of age who is not a resident of Indiana and who requires an employment certificate to work in Indiana shall obtain the certificate from the issuing officer of the school corporation in which the child is:

(1) employed; or

(2) seeking employment.

The judge of a court with juvenile jurisdiction may suspend the application of this chapter in cases involving juvenile delinquents or incorrigibles whenever, in the opinion of the judge, the welfare of a child warrants this action.

SECTION 78. IC 20-33-3-8, AS AMENDED BY P.L.1-2007, SECTION 147, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) The issuing officer in each **state** accredited school ~~(as described in IC 20-19-2-8(a)(5))~~ shall be an individual who is:

(1) a guidance counselor;

(2) a school social worker; or

(3) an attendance officer for the school corporation and a teacher licensed by the division of professional standards of the department under IC 20-28-4 or IC 20-28-5;

and designated in writing by the principal.

(b) During the times in which the individual described in subsection (a) is not employed by the school or when school is not in session, there shall be an issuing officer available:

(1) who is a teacher licensed by the division of professional standards of the department under IC 20-28-4 or IC 20-28-5; and

(2) whose identity and hours of work shall be determined by the principal.

SECTION 79. IC 20-33-5-9, AS AMENDED BY P.L.286-2013, SECTION 114, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. **(a) As used in this section, "accredited nonpublic school" means a nonpublic school that:**

(1) has voluntarily become accredited under IC 20-31-4.1; or

(2) is accredited by a national or regional accrediting agency that is recognized by the state board.

~~(a)~~ **(b)** If a parent of a child or an emancipated minor who is enrolled in an accredited nonpublic school meets the financial eligibility standard under section 2 of this chapter, the parent or the emancipated minor may receive a reimbursement from the department as provided in this chapter for the costs or some of the costs incurred by the parent or emancipated minor in fees that are reimbursable under section 7 of this chapter.

~~(b)~~ **(c)** The department shall provide each accredited nonpublic school with sufficient application forms for assistance, prescribed by the state board of accounts.

~~(c)~~ **(d)** Each accredited nonpublic school shall provide the parents or emancipated minors who wish to apply for assistance with:

(1) the appropriate application forms; and

(2) any assistance needed in completing the application form.

~~(d)~~ **(e)** The parent or emancipated minor shall submit the application to the accredited nonpublic school. The accredited nonpublic school shall make a determination of financial eligibility subject to appeal by the parent or emancipated minor.

~~(e)~~ **(f)** If a determination is made that the applicant is eligible for assistance, subsection ~~(a)~~ **(b)** applies.

~~(f)~~ **(g)** To be guaranteed some level of reimbursement from the department, the principal or other designee shall submit the reimbursement request before November 1 of a school year.

~~(g)~~ **(h)** In its request, the principal or other designee shall certify to the department:

(1) the number of students who are enrolled in the accredited nonpublic school and who are eligible for assistance under this chapter;

(2) the costs incurred in providing:

(A) curricular materials (including curricular materials used in special education and high ability classes); and

(B) workbooks, digital content, and consumable curricular materials (including workbooks, consumable curricular materials, and other consumable teaching materials that are used in special education and high ability classes) that are used by students for not more than one (1) school year;

(3) that the curricular materials described in subdivision (2)(A) (except any curricular materials used in special education classes and high ability classes) have been adopted by the governing body; and

(4) any other information required by the department.

~~(h)~~ **(i)** The amount of reimbursement that a parent or emancipated minor is entitled to receive shall be determined as provided in section 9.5 of this chapter.

~~(i)~~ **(j)** The accredited nonpublic school shall distribute the money received under this chapter to the appropriate eligible parents or emancipated minors.

~~(j)~~ **(k)** Section 7(f) of this chapter applies to parents or emancipated minors as described in this section.

~~(k)~~ **(l)** The accredited nonpublic school and the department shall maintain complete and accurate information concerning the number of applicants determined to be eligible for assistance under this section.

~~(l)~~ **(m)** The state board shall adopt rules under IC 4-22-2 to implement this section.

SECTION 80. IC 20-33-5-9.5, AS AMENDED BY P.L.205-2013, SECTION 258, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9.5. (a) This section applies to reimbursements made under this chapter in the state fiscal year beginning after June 30, 2013.

(b) The amount of reimbursement that a school corporation or an accredited nonpublic school **(as defined in section 9(a) of this**

chapter) is entitled to receive under section 7 of this chapter in a state fiscal year is equal to the amount determined in the following STEPS:

STEP ONE: Determine the amount appropriated to make reimbursements under this chapter for the state fiscal year.

STEP TWO: Determine the total number of eligible students for which reimbursement was requested under either section 7 or 9 of this chapter before November 1 of the previous calendar year by all school corporations and accredited nonpublic schools.

STEP THREE: Divide the result determined in STEP ONE by the number determined in STEP TWO.

STEP FOUR: Multiply:

(A) the STEP THREE result; by

(B) the number of eligible students for which reimbursement was requested under section 7 or 9 of this chapter before November 1 of the state fiscal year by the school corporation or the accredited nonpublic school.

SECTION 81. IC 20-33-9-10.5, AS AMENDED BY P.L.25-2016, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10.5. (a) This section does not apply to a charter school or ~~an~~ **a state** accredited nonpublic school.

(b) A school employee shall report any incidence of suspected criminal organization activity, criminal organization intimidation, or criminal organization recruitment to the principal and the school safety specialist.

(c) The principal and the school safety specialist may take appropriate action to maintain a safe and secure school environment, including providing appropriate intervention services.

SECTION 82. IC 20-34-3-20, AS AMENDED BY P.L.197-2019, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 20. (a) The governing body of a school corporation shall require each school in the governing body's jurisdiction to conduct periodic emergency preparedness drills during the school year in compliance with rules adopted under IC 4-22-2 by the state board.

(b) Each school and attendance center shall conduct at least:

(1) one (1) tornado preparedness drill; and

(2) one (1) manmade occurrence disaster drill;

during each semester.

(c) At least one (1) manmade occurrence disaster drill required under subsection (b) must be an active shooter drill and must be conducted within ninety (90) calendar days after the beginning of the school year.

(d) Each:

(1) **state** accredited nonpublic school; and

(2) charter school;

must conduct at least one (1) active shooter drill during each school year.

(e) Notwithstanding rules established by the state fire marshal under IC 12-17-12-19, a drill conducted under subsection (b) may be conducted instead of a periodic or monthly fire evacuation drill requirement established by the state fire marshal. However, a drill conducted under subsection (b) may not be made:

(1) instead of more than two (2) periodic or monthly fire evacuation drills in a particular school semester; and

(2) in two (2) consecutive months.

(f) The governing body of a school corporation may direct schools to conduct emergency preparedness drills in addition to those required under subsection (b).

(g) The governing body of a school corporation shall require each principal to file a certified statement that all drills have been conducted as required under this section.

SECTION 83. IC 20-34-3-23, AS ADDED BY P.L.211-2018(ss), SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 23. (a) Each charter school and **state** accredited nonpublic school shall adopt a local school safety and emergency plan that includes:

(1) safety and emergency training and educational opportunities for school employees; and

(2) periodic safety and emergency preparedness and evacuation drills.

(b) Each charter school and **state** accredited nonpublic school shall provide a copy of the floor plans for each building located on the school's property that clearly indicates each exit, the interior rooms and hallways, and the location of any hazardous materials located in the building to the law enforcement agency and the fire department that have jurisdiction over the school.

SECTION 84. IC 20-34-4.5-0.6, AS ADDED BY P.L.117-2017, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 0.6. As used in this chapter, "school" means **a:**

(1) ~~a~~ public school;

(2) ~~a~~ charter school; or

(3) ~~an~~ **state** accredited nonpublic school.

SECTION 85. IC 20-34-5-8, AS ADDED BY P.L.166-2007, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. As used in this chapter, "school employee" means an individual employed by:

(1) a public school, including a charter school, or ~~an~~ **a state** accredited nonpublic school;

(2) a local health department working with a school under this chapter; or

(3) another entity with which a school has contracted to perform the duties required under this chapter.

SECTION 86. IC 20-34-7-1.6, AS ADDED BY P.L.135-2016, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1.6. As used in this chapter, "school" refers to a public school and ~~an~~ **a state** accredited nonpublic school.

SECTION 87. IC 20-34-7-6, AS AMENDED BY P.L.135-2016, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 6. (a) As used in this section, "football" does not include flag football.

(b) Prior to coaching football to individuals who are less than twenty (20) years of age and are in grades 1 through 12, each head football coach and assistant football coach shall complete a certified coaching education course that:

(1) is sport specific;

(2) contains player safety content, including content on:

(A) concussion awareness;

(B) equipment fitting;

(C) heat emergency preparedness; and

(D) proper technique;

(3) requires a coach to complete a test demonstrating comprehension of the content of the course; and

(4) awards a certificate of completion to a coach who successfully completes the course.

(c) For a coach's completion of a course to satisfy the requirement imposed by subsection (b), the course must have been approved by the department.

(d) A coach shall complete a course ~~not less than once during a two (2) year period. However, if the coach receives notice from the organizing entity that new information has been added to the course before the end of the two (2) year period, the coach must:~~

~~(1) complete instruction; and~~

~~(2) successfully complete a test;~~

~~concerning the new information to satisfy the requirement imposed by subsection (b).~~ **in a manner prescribed by the state board under IC 20-28-5.5-1.**

(e) An organizing entity shall maintain a file of certificates of completion awarded under subsection (b)(4) to any of the organizing entity's head coaches and assistant coaches.

(f) A coach who complies with this chapter and provides coaching services in good faith is not personally liable for damages in a civil action as a result of a concussion or head injury incurred by an athlete participating in an athletic activity in which the coach provided coaching services, except for an act or omission by the coach that constitutes gross negligence or willful or wanton misconduct.

SECTION 88. IC 20-34-7-7, AS AMENDED BY P.L.19-2018, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 7. (a) Except as provided in subsection (c)(2), this section applies after June 30, 2017.

(b) This section applies to a head coach or assistant coach who:

(1) coaches any:

(A) interscholastic sport; or

(B) intramural sport and elects to comply or as part of the head coach's or assistant coach's coaching certification requirements is required to comply with this chapter; and

(2) is not subject to section 6 of this chapter.

(c) Before coaching a student athlete in any sport, a head coach and every assistant coach described in subsection (b) must complete a certified coaching education course that:

(1) contains player safety content on concussion awareness;

(2) after December 31, 2018, includes content for prevention of or response to heat related medical issues that may arise from a student athlete's training;

(3) requires a head coach or an assistant coach to complete a test demonstrating comprehension of the content of the course; and

(4) awards a certificate of completion to a head coach or an assistant coach who successfully completes the course.

(d) A course described in subsection (c) must be approved by the department, in consultation with a physician licensed under IC 25-22.5. The consulting physician for a course described in subsection (c)(1) must have expertise in the area of concussions and brain injuries. The department may, in addition to consulting with a physician licensed under IC 25-22.5, consult with other persons who have expertise in the area of concussions and brain injuries when developing a course described in subsection (c)(1).

(e) A head coach and every assistant coach described in subsection (b) must complete a course described in subsection (c) ~~at least once each two (2) year period. If a head coach or an assistant coach receives notice from the school that new information has been added to the course before the end of the two (2) year period, the head coach or the assistant coach shall:~~

~~(1) complete instruction; and~~

~~(2) successfully complete a test;~~

~~concerning the new information to satisfy subsection (c).~~ **in a manner prescribed by the state board under IC 20-28-5.5-1.**

(f) Each school shall maintain all certificates of completion awarded under subsection (c)(4) to each of the school's head coaches and assistant coaches.

(g) A head coach or an assistant coach described in subsection (b) who complies with this chapter and provides coaching services in good faith is not personally liable for damages in a civil action as a result of a concussion or head injury incurred by a student athlete participating in an athletic activity for which the head coach or the assistant coach provided coaching services, except for an act or omission by the head coach or the assistant coach that constitutes gross negligence or willful or wanton misconduct.

SECTION 89. IC 20-34-8-3, AS ADDED BY P.L.139-2014, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

UPON PASSAGE]: Sec. 3. As used in this chapter, "school" refers to a public school and ~~an~~ **a state** accredited nonpublic school.

SECTION 90. IC 20-34-8-5, AS ADDED BY P.L.139-2014, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) ~~Before July 1, 2015,~~ The department shall disseminate guidelines, information sheets, and forms to each **state** accredited nonpublic school, charter school, and each school corporation for distribution to schools to inform and educate coaches, student athletes, and parents and legal guardians of student athletes of the nature and risk of sudden cardiac arrest to student athletes.

(b) The department:

(1) may consult with an association, medical professionals, and others with expertise in diagnosing and treating sudden cardiac arrest; and

(2) may request the assistance of an association in disseminating the guidelines, information sheets, and forms required under subsection (a).

(c) The department may disseminate the guidelines, information sheets, and forms required under this section in an electronic format.

SECTION 91. IC 20-34-9-1, AS AMENDED BY THE TECHNICAL CORRECTIONS BILL OF THE 2020 GENERAL ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. This chapter does not apply to a virtual charter school (as defined in ~~IC 20-24-7-13(a))~~ **IC 20-24-1-10)** or a virtual **state** accredited nonpublic school.

SECTION 92. IC 20-34-9-4, AS ADDED BY P.L.153-2019, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. Beginning after June 30, 2020, and subject to available funding, a school corporation, a charter school, and ~~an~~ **a state** accredited nonpublic school are eligible for a grant under this chapter if the school corporation, charter school, or **state** accredited nonpublic school meets the requirements of this chapter.

SECTION 93. IC 20-34-9-5, AS ADDED BY P.L.153-2019, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) The student and parent support services grant program is established to provide grants to school corporations, charter schools, and **state** accredited nonpublic schools for the

development and implementation of student and parent support services plans to support parents caring for at-risk students.

(b) The department, in coordination with the division of mental health and addiction, shall administer the program.

SECTION 94. IC 20-34-9-6, AS ADDED BY P.L.153-2019, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. A school corporation, a charter school, or ~~an~~ **a state** accredited nonpublic school must do the following to participate in the program:

(1) Apply to the department to participate in the program.

(2) Submit to the department a student and parent support services plan that the school corporation, charter school, or **state** accredited nonpublic school intends to implement and that includes the following:

(A) A process for a teacher or school employee to notify a school official to contact a student's parent if the student demonstrates a repeated pattern of aberrant or abnormal behavior. The parental notification process described in this clause must also include that the school will hold a conference with the student and the student's parent.

(B) A requirement that the conference described in clause (A) must address the student's potential need for and benefit from:

(i) school based treatment services; or

(ii) treatment services provided by an outside professional care provider that is contracted and paid for by the school corporation, charter school, or **state** accredited nonpublic school.

(C) A procedure for a parent who chooses to seek services for the student to follow that includes granting written parental consent for the student to receive services by a service provider described under clause (B).

(D) A requirement to ensure that a school shall maintain the confidentiality of any medical records that result from a student's participation in any treatment described in clause (B). The school must adopt a policy that prohibits the school from:

(i) sharing any reports or notes resulting from the provision of school based treatment services described in clause (B)(i) with other school officials; and

(ii) maintaining any reports, notes, diagnosis, or appointments that result from a student's participation in any treatment described in clause (B)(i) through (B)(ii) in the student's permanent educational file.

SECTION 95. IC 20-34-9-7, AS ADDED BY P.L.153-2019, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) Before June 30, 2020, and before each June 30 thereafter, the department shall evaluate and prepare a report concerning development and implementation of the following:

(1) The program.

(2) The plans submitted and implemented by school corporations, charter schools, and **state** accredited nonpublic schools.

(b) The department shall submit the report described in subsection (a) to the legislative council in an electronic format under IC 5-14-6.

SECTION 96. IC 20-47-6-4, AS ADDED BY P.L.143-2019, SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. As used in this chapter, "school" means a public school, including a charter school, ~~an~~ **a state** accredited nonpublic school, or an eligible school (as defined in IC 20-51-1-4.7).

SECTION 97. IC 21-7-13-4 IS REPEALED [EFFECTIVE UPON PASSAGE]. ~~Sec. 4. "Accredited nonpublic school" means a nonpublic school that has voluntarily become accredited under IC 20-19-2-8.~~

SECTION 98. IC 21-7-13-31.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 31.5. "State accredited nonpublic school" means a nonpublic school that has voluntarily become accredited under IC 20-31-4.1.**

SECTION 99. IC 21-12-6-5, AS AMENDED BY P.L.165-2016, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) Unless a student qualifies under subsection (b), to qualify to participate in the program, a student must meet the following requirements:

(1) Be a resident of Indiana.

(2) Be:

(A) enrolled in grade 7 or 8 at a:

(i) public school; or

(ii) nonpublic school that is accredited either by the state board of education or by a national or regional accrediting

agency whose accreditation is accepted as a school improvement plan under ~~IC 20-31-4-2;~~ **IC 20-31-4.1-2;** or

(B) otherwise qualified under the rules of the commission that are adopted under IC 21-18.5-4-9(2) to include students who are in grades other than grade 8 as eligible students.

(3) Be a member of a household with an annual income of not more than the amount required for the individual to qualify for free or reduced priced lunches under the national school lunch program, as determined for the immediately preceding taxable year for the household for which the student was claimed as a dependent.

(4) Agree, in writing, together with the student's custodial parents or guardian, that the student will:

(A) graduate from a secondary school located in Indiana that meets the admission criteria of an eligible institution;

(B) not illegally use controlled substances (as defined in IC 35-48-1-9);

(C) not commit a crime or an infraction described in IC 9-30-5;

(D) not commit any other crime or delinquent act (as described in IC 31-37-1-2 or IC 31-37-2-2 through IC 31-37-2-5 (or IC 31-6-4-1(a)(1) through IC 31-6-4-1(a)(5) before their repeal));

(E) timely apply, when the eligible student is a senior in high school:

(i) for admission to an eligible institution; and

(ii) for any federal and state student financial assistance available to the eligible student to attend an eligible institution;

(F) achieve a cumulative grade point average upon graduation of:

(i) at least 2.0, if the student graduates from high school before July 1, 2014; and

(ii) at least 2.5, if the student graduates from high school after June 30, 2014;

on a 4.0 grading scale (or its equivalent if another grading scale is used) for courses taken during grades 9, 10, 11, and 12; and

(G) complete an academic success program required under the rules adopted by the commission, if the student initially enrolls in high school after June 30, 2013.

(b) A student qualifies to participate in the program if the student:

(1) before or during grade 7 or grade 8, is placed by or with the consent of the department of child services, by a court order, or by a child placing agency in:

(A) a foster family home;

(B) the home of a relative or other unlicensed caretaker;

(C) a child caring institution; or

(D) a group home;

(2) meets the requirements in subsection (a)(1) through (a)(2); and

(3) agrees in writing, together with the student's caseworker (as defined in IC 31-9-2-11) or legal guardian, to the conditions set forth in subsection (a)(4).

(c) The commission may require that an applicant apply electronically to participate in the program using an online Internet application on the commission's **Internet** web site.

SECTION 100. IC 21-12-8-9, AS AMENDED BY P.L.143-2019, SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. (a) This section applies to an applicant who attends or has attended any of the following:

(1) An approved secondary school.

(2) ~~An~~ **A state** accredited nonpublic school.

(3) A nonaccredited nonpublic school.

(b) An applicant is eligible to receive a high value workforce ready credit-bearing grant if the following conditions are met:

(1) The applicant is domiciled in Indiana, as defined by the commission.

(2) The applicant:

(A) has received a diploma of graduation from a school described in subsection (a);

(B) has been granted a:

(i) high school equivalency certificate before July 1, 1995; or

(ii) state of Indiana general educational development (GED) diploma under IC 20-10.1-12.1 (before its repeal), IC 20-20-6 (before its repeal), or IC 22-4.1-18; or

(C) is a student in good standing who is completing a final year of study at a school described in subsection (a) and will be eligible upon graduation to attend an approved institution of higher learning.

(3) The applicant is enrolled in an eligible certificate program, as determined under section 2(4) of this chapter, at Ivy Tech Community College, Vincennes University, or a program approved by the commission.

(4) The applicant enrolls at least half-time for purposes of federal financial aid.

(5) The applicant has not received any grant for the maximum number of academic terms specified for the grant in IC 21-12-13-1 or IC 21-12-13-2.

(6) The applicant is not eligible for any state financial aid program described in IC 21-12-13-1(a) or IC 21-12-13-2(a).

(7) The applicant is identified as financially independent from the applicant's parents as determined by the Free Application for Federal Student Aid (FAFSA).

(8) The applicant has correctly filed the FAFSA and, if eligible for aid, accepts all offered federal scholarships and grants.

(9) Except as provided under subsection (c), the applicant maintains satisfactory academic progress, as determined by the eligible institution.

(10) The applicant has not previously received a baccalaureate degree, an associate degree, or an eligible certificate.

(11) The applicant meets any other minimum criteria established by the commission.

(c) This subsection applies to an applicant who does not maintain satisfactory academic progress under subsection (b)(9) but meets all the other conditions required under subsection (b). An applicant is eligible to receive a high value workforce ready credit-bearing grant if the applicant meets one (1) of the following:

(1) The applicant has not attended an eligible institution for the immediately preceding two (2) academic years.

(2) The applicant:

(A) attended an eligible institution at any time during the immediately preceding two (2) academic years; and

(B) maintained satisfactory academic progress, as determined by the eligible institution, during the period described in clause (A) in which the applicant attended the eligible institution.

(d) If an applicant is identified as dependent as determined by the Free Application for Federal Student Aid (FAFSA), the applicant must:

(1) meet the criteria specified in subsection (b), except for subsection (b)(4), (b)(7), and (b)(9);

(2) enroll full time for purposes of federal financial aid;

(3) maintain satisfactory academic progress, as determined by the eligible institution; and

(4) complete a workforce ready grant success program, as determined by the commission, if the applicant graduates from high school after December 31, 2018.

(e) If the demand for high value workforce ready credit-bearing grants exceeds the available appropriation, as determined by the commission, the commission shall prioritize the applicants identified as independent as determined by the Free Application for Federal Student Aid (FAFSA).

SECTION 101. IC 21-12-16-5, AS ADDED BY P.L.105-2016, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) An applicant who is enrolled in an accredited postsecondary educational institution after June 30, 2017, may qualify for a scholarship under this chapter. To qualify for a scholarship, an applicant must:

(1) apply for a scholarship on a form supplied by the commission;

(2) except as provided in subsection (b), have graduated from an Indiana nonaccredited nonpublic or **state** accredited high school **accredited under IC 20-31-4.1** and either:

(A) graduated in the highest twenty percent (20%) of students in the applicant's high school graduating class; or

(B) received a score in the top twentieth percentile on the SAT or ACT examination;

(3) have participated in school activities and community service activities during high school;

(4) have applied to and been accepted for enrollment in an accredited postsecondary educational institution approved by the commission under section 10 of this chapter;

(5) agree in writing to:

(A) obtain a license to teach under IC 20-28-5; and

(B) teach for at least five (5) consecutive years in a public school or an eligible school (as defined in IC 20-51-1-4.7) in Indiana after graduating with a baccalaureate degree from the accredited postsecondary educational institution described in subdivision (4); and

(6) meet any other criteria established by the commission.

(b) A student who graduates from a nonaccredited nonpublic school must meet the requirement described in subsection (a)(2)(B) in order to meet the eligibility requirement described in subsection (a)(2).

SECTION 102. IC 21-13-2-1, AS AMENDED BY P.L.148-2016, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. The William A. Crawford minority teacher scholarship fund is established:

(1) to encourage and promote qualified minority individuals to pursue a career in teaching in **state** accredited schools **accredited under IC 20-31-4.1** in Indiana;

(2) to enhance the number of individuals who may serve as role models for the minority students in Indiana; and

(3) to rectify the shortage of minority teachers teaching in **state** accredited schools **accredited under IC 20-31-4.1** in Indiana.

SECTION 103. IC 21-13-2-4, AS AMENDED BY P.L.205-2013, SECTION 318, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. An individual qualifies for an initial scholarship from the fund if the individual:

(1) is a minority student;

(2) is admitted to an eligible institution as a full-time student or already attends an eligible institution as a full-time student;

(3) either:

(A) intends to pursue; or

(B) in the case of a student who is already attending an eligible institution, pursues;

a course of study that would enable the student, upon graduation, to teach in ~~an~~ **a state** accredited school **accredited under IC 20-31-4.1** in Indiana;

(4) agrees, in writing, to apply for a teaching position in ~~an~~ **a state** accredited school **accredited under IC 20-31-4.1** in Indiana following that student's certification as a teacher, and, if hired, to teach for at least three (3) years; and

(5) meets any other minimum criteria established by the commission.

SECTION 104. IC 21-13-7-1, AS AMENDED BY P.L.148-2016, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. An individual may apply for a stipend under this chapter if the individual:

(1) is a student who is enrolled in a course of study at an eligible institution that would enable the student, upon graduation, to teach in ~~an~~ **a state** accredited school **accredited under IC 20-31-4.1** in Indiana in:

(A) special education; or

(B) a high-need field;

(2) will participate in student teaching as part of the student's degree requirements;

(3) has earned a cumulative grade point average upon entering student teaching that:

(A) is required by an eligible institution for admission to the eligible institution's school of education; or

(B) is at least a 2.0 on a 4.0 grading scale or its equivalent as determined by the eligible institution, if the eligible institution's school of education does not require a certain minimum cumulative grade point average;

(4) agrees, in writing, to apply for a teaching position at an accredited school in Indiana following the student's certification as a teacher, and, if hired, to teach for at least three (3) years; and

(5) meets any other minimum criteria established by the commission.

SECTION 105. IC 21-13-8-1, AS AMENDED BY P.L.159-2016, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) The Earline S. Rogers student teaching stipend for minority students is established.

(b) An individual may apply for a stipend under this chapter if the individual:

(1) is a minority student enrolled in an eligible institution;

(2) will participate in:

(A) student teaching as part of the student's degree requirements; or

(B) a school administration internship as part of the student's graduate degree program;

(3) has earned a cumulative grade point average:

(A) upon entering student teaching that:

(i) is required by an eligible institution for admission to the eligible institution's school of education; or

(ii) is at least a 2.0 on a 4.0 grading scale or its equivalent as determined by the eligible institution, if the eligible institution's school of education does not require a certain minimum cumulative grade point average; or

(B) upon beginning a school administration internship that is at least 3.0 on a 4.0 scale, or its equivalent as determined by the eligible institution;

(4) agrees, in writing, in the case of an individual entering student teaching, to apply for a teaching position at ~~an~~ **a state** accredited school **accredited under IC 20-31-4.1** in Indiana following the student's certification as a teacher, and, if hired, to teach for at least three (3) years; and

(5) meets any other minimum criteria established by the commission.

SECTION 106. IC 21-18-12-1, AS ADDED BY P.L.111-2013, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) The Indiana e-transcript program is created to allow students at all **state** accredited high schools **accredited under IC 20-31-4.1** located in Indiana to request that the student's school transcripts be transmitted electronically to state educational institutions, participating Indiana not-for-profit or privately endowed institutions, and participating Indiana institutions authorized by the board for proprietary education established by IC 21-18.5-5-1.

(b) The commission shall administer the program.

(c) Beginning July 1, 2013, the department of education established by IC 20-19-3-1, in collaboration with the state educational institutions

and the commission, shall develop a common electronic transcript, using common data fields and formats that are required by state educational institutions.

(d) Not later than July 1, 2015, all public secondary schools shall use the common electronic transcript developed by the department of education.

(e) The governing body of ~~an~~ **a state** accredited nonpublic secondary school may elect to use the common electronic transcript developed by the department of education.

SECTION 107. IC 22-4.1-25-1.5, AS ADDED BY P.L.191-2018, SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1.5. As used in this chapter, "school" includes a public school, a charter school, ~~an~~ **a state** accredited nonpublic school **(as defined in IC 20-18-2-18.7),** and a nonaccredited nonpublic school.

SECTION 108. IC 34-30-14-7, AS AMENDED BY P.L.146-2011, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 7. A teacher:

(1) who meets the ~~requirement of IC 20-28-5-3(c);~~ **training or certification requirements prescribed by the state board under IC 20-28-5.5-1(b);** and

(2) who:

(A) performs cardiopulmonary resuscitation on;

(B) performs the Heimlich maneuver on;

(C) removes a foreign body that is obstructing an airway of; or

(D) uses an automated external defibrillator on;

another person, in the course of employment as a teacher;

is not liable in a civil action for damages resulting from an act or omission occurring during the provision of emergency assistance under this section, unless the act or omission constitutes gross negligence or willful and wanton misconduct.

SECTION 109. IC 34-31-10-6, AS ADDED BY P.L.220-2013, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. As used in this chapter, "school" means **a:**

(1) ~~a~~ public school (as defined in IC 20-18-2-15); or

(2) ~~an~~ **state** accredited nonpublic school (as defined in ~~IC 20-18-2-12).~~ **IC 20-18-2-18.7).**

SECTION 110. [EFFECTIVE UPON PASSAGE] **(a) Notwithstanding the repeal of IC 20-31-4 by this act, 511 IAC 6.1 shall remain in effect until the earlier of:**

(1) the date that administrative rules are adopted under IC 20-31-4.1-10, as added by this act; or

(2) July 1, 2021.

(b) This SECTION expires December 31, 2021.

SECTION 111. **An emergency is declared for this act.**

P.L.93-2020

[H.1004. Approved March 18, 2020.]

AN ACT to amend the Indiana Code concerning health.

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

SECTION 1. IC 12-15-11-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 6. **(a)** After a provider signs a provider agreement under this chapter, the office may not exclude the provider from participating in the Medicaid program by entering into an exclusive contract with another provider or group of providers, except as provided under section 7 of this chapter.

(b) The office or a managed care organization contracting with the office may not prohibit a provider from participating in a network of another insurer, managed care organization, or health maintenance organization.

SECTION 2. IC 16-18-2-375.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 375.5. "Weighted average negotiated charge", for purposes of IC 16-21-17 and IC 16-21-24.5, has the meaning set forth in IC 16-21-17-0.5.**

SECTION 3. IC 16-21-17-0.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 0.5. As used in this chapter, "weighted average negotiated charge" means the amount determined in STEP SIX of the following formula with respect to a particular procedure:**

STEP ONE: For each insurer with whom the hospital or an ambulatory outpatient surgical center negotiates a charge for a particular procedure, determine the percentage of the hospital's patients or the ambulatory outpatient surgical center's patients insured by the insurer in the previous calendar year rounded to a whole percentage.

STEP TWO: Multiply each percentage determined under STEP ONE by one hundred (100) and express the results as whole numbers so that the sum of the percentage points determined under STEP ONE is one hundred (100).

STEP THREE: For a particular procedure, determine the amount of the negotiated charge for the procedure for each insurer described in STEP ONE.

STEP FOUR: For each insurer described in STEP ONE, multiply the STEP THREE amount determined for a particular procedure by the result determined under STEP TWO for that insurer.

STEP FIVE: For a particular procedure, determine the sum of the amounts determined under STEP FOUR for all of the insurers described in STEP ONE with respect to that procedure.

STEP SIX: For a particular procedure, determine the quotient of:

(A) the sum determined under STEP FIVE for that procedure; divided by

(B) one hundred (100).

SECTION 4. IC 16-21-17-1, AS ADDED BY SEA 5-2020, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1. (a) Not later than March 31, 2021, a hospital and an ambulatory outpatient surgical center shall post on the Internet web site of the hospital or ambulatory outpatient surgical center pricing and other information specified in this chapter for the following:

(1) For as many of the seventy (70) shoppable services specified in the final rule of the Centers for Medicare and Medicaid Services published in 84 FR 65524 that are provided by the hospital or ambulatory outpatient surgical center.

(2) In addition to the services specified in subdivision (1), the thirty (30) most common services that are provided by the hospital or ambulatory outpatient surgical center not included in subdivision (1).

(b) The following information, to the extent applicable, must be included on the Internet web site by a hospital and an ambulatory outpatient surgical center for the shoppable and common services described in subsection (a):

(1) A description of the shoppable and common service.

(2) The weighted average negotiated charge per service per provider type for each of the following categories:

(A) Any nongovernment sponsored health benefit plan or insurance plan provided by a health carrier in which the provider is in the network.

(B) Medicare, including fee for service and Medicare Advantage.

(C) Self-pay without charitable assistance from the hospital or ambulatory outpatient surgical center.

(D) Self-pay with charitable assistance from the hospital or ambulatory outpatient surgical center.

(E) Medicaid, including fee for service and risk based managed care.

SECTION 5. IC 16-21-24.5-2, AS ADDED BY SEA 5-2020, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 2. (a) Not later than March 31, 2021, an urgent care facility shall post on the Internet web site of the urgent care facility pricing and other information specified in this chapter for the fifteen (15) most common services that are provided by the urgent care facility.

(b) The following information, to the extent applicable, must be included on the Internet web site by an urgent care facility for the fifteen (15) most common services described in subsection (a):

(1) The number of times each service is provided by the urgent care facility.

(2) A description of the service.

(3) The weighted average negotiated charge per service per provider type for each of the following categories:

(A) Any nongovernment sponsored health benefit plan or insurance provided by a health carrier in which the provider is in the network.

(B) Medicare, including fee for service and Medicare Advantage.

(C) Self-pay without charitable assistance from the urgent care facility.

(D) Self-pay with charitable assistance from the urgent care facility.

(E) Medicaid, including fee for service and risk based managed care.

SECTION 6. IC 25-1-9-23 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 23. (a) This section does not apply to emergency services.**

(b) As used in this section, "covered individual" means an individual who is entitled to be provided health care services at a cost established according to a network plan.

(c) As used in this section, "emergency services" means services that are:

(1) furnished by a provider qualified to furnish emergency services; and

(2) needed to evaluate or stabilize an emergency medical condition.

(d) As used in this section, "in network practitioner" means a practitioner who is required under a network plan to provide health care services to covered individuals at not more than a preestablished rate or amount of compensation.

(e) As used in this section, "network plan" means a plan under which facilities and practitioners are required by contract to provide health care services to covered individuals at not more than a preestablished rate or amount of compensation.

(f) As used in this section, "practitioner" means the following:

(1) An individual licensed under IC 25 who provides professional health care services to individuals in a facility.

(2) An organization:

(A) that consists of practitioners described in subdivision (1); and

(B) through which practitioners described in subdivision (1) provide health care services.

(3) An entity that:

(A) is not a facility; and

(B) employs practitioners described in subdivision (1) to provide health care services.

(g) An in network practitioner who provides covered health care services to a covered individual may not charge more for the covered health care services than allowed according to the rate or amount of compensation established by the individual's network plan.

(h) This subsection is effective beginning July 1, 2021. Except as provided in subsection (l), a practitioner shall provide to a covered individual, at least five (5) days before the health care service is scheduled to be provided to the covered individual, a good faith estimate of the amount that the practitioner intends to charge the covered individual for the health care service and in compliance with IC 25-1-9.8-14(a).

(i) An out of network practitioner who provides health care services at an in network facility to a covered individual may not be reimbursed more for the health care services than allowed according to the rate or amount of compensation established by the covered individual's network plan unless all of the following conditions are met:

(1) At least five (5) days before the health care services are scheduled to be provided to the covered individual, the practitioner provides to the covered individual, on a form separate from any other form provided to the covered individual by the practitioner, a statement in conspicuous type at least as large as 14 point type that meets the following requirements:

(A) Includes a notice reading substantially as follows: "[Name of practitioner] intends to charge you more for [name or description of health care services] than allowed according to the rate or amount of compensation

established by the network plan applying to your coverage. [Name of practitioner] is not entitled to charge this much for [name or description of health care services] unless you give your written consent to the charge.".

(B) Sets forth the practitioner's good faith estimate of the amount that the practitioner intends to charge for the health care services provided to the covered individual.

(C) Includes a notice reading substantially as follows concerning the good faith estimate set forth under clause (B): "The estimate of our intended charge for [name or description of health care services] set forth in this statement is provided in good faith and is our best estimate of the amount we will charge. If our actual charge for [name or description of health care services] exceeds our estimate, we will explain to you why the charge exceeds the estimate.".

(2) The covered individual signs the statement provided under subdivision (1), signifying the covered individual's consent to the charge for the health care services being greater than allowed according to the rate or amount of compensation established by the network plan.

(j) If an out of network practitioner does not meet the requirements of subsection (i), the out of network practitioner shall include on any bill remitted to a covered individual a written statement in 14 point type stating that the covered individual is not responsible for more than the rate or amount of compensation established by the covered individual's network plan plus any required copayment, deductible, or coinsurance.

(k) If a covered individual's network plan remits reimbursement to the covered individual for health care services subject to the reimbursement limitation of subsection (i), the network plan shall provide with the reimbursement a written statement in 14 point type that states that the covered individual is not responsible for more than the rate or amount of compensation established by the covered individual's network plan and that is included in the reimbursement plus any required copayment, deductible, or coinsurance.

(l) If the charge of a practitioner for health care services provided to a covered individual exceeds the estimate provided to the covered individual under subsection (i)(1)(B), the facility or practitioner shall explain in a writing provided to the covered individual why the charge exceeds the estimate.

(m) An in network practitioner is not required to provide a covered individual with the good faith estimate required under subsection (h) if the nonemergency health care service is scheduled to be performed by the practitioner within five (5) business days after the health care service is ordered.

(n) The department of insurance shall adopt emergency rules under IC 4-22-2-37.1 to specify the requirements of the notifications set forth in subsections (j) and (k).

SECTION 7. IC 25-1-9.8 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]:

Chapter 9.8. Practitioner Good Faith Estimates

Sec. 1. As used in this chapter, "covered individual" means an individual who is entitled to be provided health care services according to a health carrier's network plan.

Sec. 1.5. As used in this chapter, "episode of care" means the medical care ordered to be provided for a specific medical procedure, condition, or illness.

Sec. 2. As used in this chapter, "good faith estimate" means a reasonable estimate of the price a practitioner anticipates charging for an episode of care for nonemergency health care services that:

(1) is made by a practitioner under this chapter upon the request of:

(A) the individual for whom the nonemergency health care service has been ordered; or

(B) the provider facility in which the nonemergency health care service will be provided; and

(2) is not binding upon the practitioner.

Sec. 3. (a) As used in this chapter, "health carrier" means an entity:

(1) that is subject to IC 27 and the administrative rules adopted under IC 27; and

(2) that enters into a contract to:

(A) provide health care services;

(B) deliver health care services;

(C) arrange for health care services; or

(D) pay for or reimburse any of the costs of health care services.

(b) The term includes the following:

(1) An insurer, as defined in IC 27-1-2-3(x), that issues a policy of accident and sickness insurance, as defined in IC 27-8-5-1(a).

(2) A health maintenance organization, as defined in IC 27-13-1-19.

(3) An administrator (as defined in IC 27-1-25-1(a)) that is licensed under IC 27-1-25.

(4) A state employee health plan offered under IC 5-10-8.

(5) A short term insurance plan (as defined by IC 27-8-5.9-3).

(6) Any other entity that provides a plan of health insurance, health benefits, or health care services.

(c) The term does not include:

(1) an insurer that issues a policy of accident and sickness insurance;

(2) a limited service health maintenance organization (as defined in IC 27-13-34-4); or

(3) an administrator;

that only provides coverage for, or processes claims for, dental or vision care services.

Sec. 4. As used in this chapter, "in network", when used in reference to a practitioner, means that the health care services provided by the practitioner are subject to a health carrier's network plan.

Sec. 5. (a) As used in this chapter, "network" means a group of provider facilities and practitioners that:

(1) provide health care services to covered individuals; and

(2) have agreed to, or are otherwise subject to, maximum limits on the prices for the health care services to be provided to the covered individuals.

(b) The term includes the following:

(1) A network described in subsection (a) that is established pursuant to a contract between an insurer providing coverage under a group health policy and:

(A) individual provider facilities and practitioners;

(B) a preferred provider organization; or

(C) an entity that employs or represents providers, including:

(i) an independent practice association; and

(ii) a physician-hospital organization.

(2) A health maintenance organization, as defined in IC 27-13-1-19.

Sec. 6. As used in this chapter, "network plan" means a plan of a health carrier that:

(1) requires a covered individual to receive; or

(2) creates incentives, including financial incentives, for a covered individual to receive;

health care services from one (1) or more providers that are under contract with, managed by, or owned by the health carrier.

Sec. 7. As used in this chapter, "nonemergency health care service" means a discrete service or series of services ordered by a practitioner for an episode of care for the:

(1) diagnosis;

(2) prevention;

(3) treatment;

(4) cure; or

(5) relief;

of a physical, mental, or behavioral health condition, illness, injury, or disease that is not provided on an emergency or urgent care basis.

Sec. 8. (a) As used in this chapter, "practitioner" means an individual or entity duly licensed or legally authorized to provide health care services.

(b) The term does not include the following:

(1) A dentist licensed under IC 25-14.

(2) An optometrist licensed under IC 25-24.

Sec. 8.5. As used in this chapter, "price" means the negotiated rate between the:

(1) provider facility and practitioner; and

(2) covered individual's primary health carrier.

Sec. 9. As used in this chapter, "provider" means:

(1) a provider facility; or

(2) a practitioner.

Sec. 10. (a) As used in this chapter, "provider facility" means any of the following:

(1) A hospital licensed under IC 16-21-2.

(2) An ambulatory outpatient surgery center licensed under IC 16-21-2.

(3) An abortion clinic licensed under IC 16-21-2.

(4) A birthing center licensed under IC 16-21-2.

(5) Except for an urgent care facility (as defined by IC 27-1-46-10.5), a facility that provides diagnostic services to the medical profession or the general public.

(6) A laboratory where clinical pathology tests are carried out on specimens to obtain information about the health of a patient.

(7) A facility where radiologic and electromagnetic images are made to obtain information about the health of a patient.

(8) An infusion center that administers intravenous medications.

(b) The term does not include the following:

(1) A private mental health institution licensed under IC 12-25.

(2) A Medicare certified, freestanding rehabilitation hospital.

Sec. 11. (a) This section does not apply to an individual who is a Medicaid recipient.

(b) An individual for whom a nonemergency health care service has been ordered, scheduled, or referred may request from the practitioner who may provide the nonemergency health care service a good faith estimate of the total price the practitioner will charge for providing the nonemergency health care service.

(c) A practitioner who receives a request from a patient under subsection (b) shall, not more than five (5) business days after receiving relevant information from the individual, provide to the individual a good faith estimate of the price that the practitioner will charge for providing the nonemergency health care service.

(d) A practitioner must ensure that a good faith estimate provided to an individual under this section is accompanied by a notice stating that:

(1) an estimate provided under this section is not binding on the practitioner;

(2) the price the practitioner charges the individual may vary from the estimate based on the individual's medical needs; and

(3) the estimate provided under this section is only valid for thirty (30) days.

(e) A practitioner may not charge an individual for information provided under this section.

Sec. 12. (a) If:

(1) the individual who requests a good faith estimate from a practitioner under this chapter is a covered individual with respect to a network plan; and

(2) the practitioner from which the individual requests the good faith estimate is in network with respect to the same network plan;

the good faith estimate that the practitioner provides to the individual under this chapter must be based on the negotiated price to which the practitioner has agreed as an in network provider.

(b) If the individual who requests a good faith estimate from a practitioner under this chapter:

(1) is not a covered individual with respect to any network plan; or

(2) is not a covered individual with respect to a network plan with respect to which the practitioner is in network;

the good faith estimate that the practitioner provides to the individual under this chapter must be based on the price that the practitioner charges for the nonemergency health care service in the absence of any network plan.

Sec. 13. A practitioner may provide a good faith estimate to an individual under this chapter:

(1) in a writing delivered to the individual;

(2) by electronic mail; or

(3) through a mobile application or other Internet web based method, if available;

according to the preference expressed by the individual.

Sec. 14. (a) A good faith estimate provided by a practitioner to an individual under this chapter must meet the following requirements:

(1) Provide a summary of the services and material items that the good faith estimate is based on.

(2) Include:

(A) the price charged for the services and material items that the practitioner will provide and charge the individual; and

(B) the price that the provider facility in which the health care service will be performed charged for:

(i) the use of the provider facility to care for the individual for the nonemergency health care service;

(ii) the services rendered by the staff of the provider facility in connection with the nonemergency health care service; and

(iii) medication, supplies, equipment, and material items to be provided to or used by the individual while the individual is present in the provider facility in connection with the nonemergency health care service;

for imaging, laboratory services, diagnostic services, therapy, observation services, and other services expected to be provided to the individual for the episode of care.

(3) Include a total figure that is a sum of the estimated prices referred to in subdivisions (1) and (2).

(b) Subsection (a) does not prohibit a practitioner from providing to an individual a good faith estimate that indicates how much of the total figure stated under subsection (a)(2) will be the individual's out-of-pocket expense after the health carrier's payment of charges.

(c) A health carrier and a provider facility must provide a practitioner with the information needed by the practitioner to comply with the requirements under this chapter not more than two (2) business days after receiving the request. The provider facility shall provide the practitioner with all relevant information for services and costs for the good faith estimate that are to be

provided by the provider facility for inclusion in a good faith estimate by the practitioner.

(d) A practitioner is not subject to the penalties under section 19 of this chapter if:

(1) a health carrier or provider facility fails to provide the practitioner with the information as required under subsection (c);

(2) the practitioner provides the individual with a good faith estimate based on any information that the practitioner has; and

(3) the practitioner provides the individual with an updated good faith estimate after the health carrier or provider facility has provided the information required under subsection (c).

Sec. 15. If:

(1) a practitioner is expected to provide a nonemergency health care service to an individual in a provider facility; and

(2) the provider facility receives a request from an individual for a good faith estimate under IC 27-1-46;

the practitioner, upon request from the provider facility, shall provide to the provider facility a good faith estimate of the practitioner's price for providing the nonemergency health care service to enable the provider facility to comply with IC 27-1-46-11.

Sec. 16. (a) A practitioner that has ordered the individual for a nonemergency health care service shall provide to the individual an electronic or paper copy of a written notice that states the following, or words to the same effect: "A patient may at any time ask a health care provider for an estimate of the price the health care providers and health facility will charge for providing a nonemergency medical service. The law requires that the estimate be provided within 5 business days.".

(b) The appropriate board (as defined in IC 25-1-9-1) may adopt rules under IC 4-22-2 to establish requirements for practitioners to provide additional charging information under this section.

Sec. 17. If:

(1) a practitioner receives a request for a good faith estimate under this chapter; and

(2) the patient is eligible for Medicare coverage;

the practitioner shall provide a good faith estimate to the patient within five (5) business days based on available Medicare rates.

Sec. 18. (a) As used in this section, "waiting room" means a space in a building used by a practitioner in which people check in or register to:

(1) be seen by practitioners; or

(2) meet with members of the staff of a practitioner's office.

(b) A practitioner shall ensure that each waiting room of the practitioner's office includes at least one (1) printed notice that:

(1) is designed, lettered, and positioned within the waiting room so as to be conspicuous to and readable by any individual with normal vision who visits the waiting room; and

(2) states the following, or words to the same effect: "A patient may ask for an estimate of the amount the patient will be charged for a nonemergency medical service provided in this practitioner office. The law requires that an estimate be provided within 5 business days.".

(c) If a practitioner maintains an Internet web site, the practitioner shall ensure that the Internet web site includes at least one (1) printed notice that:

(1) is designed, lettered, and featured on the Internet web site so as to be conspicuous to and readable by any individual with normal vision who visits the Internet web site; and

(2) states the following, or words to the same effect: "A patient may ask for an estimate of the amount the patient will be charged for a nonemergency medical service provided in our office. The law requires that an estimate be provided within 5 business days.".

Sec. 19. The appropriate board (as defined in IC 25-1-9-1) may take action against a practitioner:

(1) under IC 25-1-9-9(a)(3) or IC 25-1-9-9(a)(4) for an initial violation or isolated violations of this chapter; or

(2) under IC 25-1-9-9(a)(6) for repeated or persistent violations of this chapter;

concerning the providing of a good faith estimate to an individual for whom a nonemergency health care service has been ordered or the providing of notice in the practitioner's waiting room or on the

practitioner's Internet web site that a patient may at any time ask for an estimate of the price that the patient will be charged for a medical service.

SECTION 8. IC 25-22.5-5.5 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]:

Chapter 5.5. Physician Noncompete Agreements

Sec. 1. This chapter applies to physician noncompete agreements originally entered into on or after July 1, 2020.

Sec. 2. To be enforceable, a physician noncompete agreement must include all of the following provisions:

(1) A provision that requires the employer of the physician to provide the physician with a copy of any notice that:

(A) concerns the physician's departure from the employer; and

(B) was sent to any patient seen or treated by the physician during the two (2) year period preceding the termination of the physician's employment or the expiration of the physician's contract. Provided, however, the patient names and contact information be redacted from the copy of the notice provided from the employer of the physician to the physician.

(2) A provision that requires the physician's employer to, in good faith, provide the physician's last known or current contact and location information to a patient who:

(A) requests updated contact and location information for the physician; and

(B) was seen or treated by the physician during the two (2) year period preceding the termination of the physician's employment or the expiration of the physician's contract.

(3) A provision that provides the physician with:

(A) access to; or

(B) copies of;

any medical record associated with a patient described in subdivision (1) or (2) upon receipt of the patient's consent.

(4) A provision that provides the physician whose employment has terminated or whose contract has expired with the option to purchase a complete and final release from the terms of the

enforceable physician noncompete agreement at a reasonable price. However, in the event the physician elects not to exercise the purchase option, then the option to purchase provision may not be used in any manner to restrict, bar, or otherwise limit the employer's equitable remedies, including the employer's enforcement of the physician noncompete agreement.

(5) A provision that prohibits the providing of patient medical records to a requesting physician in a format that materially differs from the format used to create or store the medical record during the routine or ordinary course of business, unless a different format is mutually agreed upon by the parties. Paper or portable document format copies of the medical records satisfy the formatting provisions of this chapter.

Sec. 3. A person or entity required to create, copy, or transfer a patient medical record for a reason specified in this chapter may charge a reasonable fee for the service as permitted under applicable state or federal law.

Sec. 4. Nothing in this chapter shall be construed to prohibit, limit, impair, or abrogate:

(1) the ability of the parties to negotiate any other term not specified under this chapter; or

(2) any other right, remedy, or relief permitted by law or in equity.

SECTION 9. IC 25-22.5-17 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]:

Chapter 17. Physician's Patient Information

Sec. 1. If a physician licensed under this article leaves the employment of an employer, the following apply:

(1) The employer of the physician must provide the physician with a copy of any notice that:

(A) concerns the physician's departure from the employer; and

(B) was sent to any patient seen or treated by the physician during the two (2) year period preceding the termination of the physician's employment or the expiration of the

physician's contract. However, the patient names and contact information must be redacted from the copy of the notice provided from the employer of the physician to the physician.

(2) The physician's employer must, in good faith, provide the physician's last known or current contact and location information to a patient who:

(A) requests updated contact and location information for the physician; and

(B) was seen or treated by the physician during the two (2) year period preceding the termination of the physician's employment or the expiration of the physician's contract.

(3) The physician's employer must provide the physician with:

(A) access to; or

(B) copies of;

any medical record associated with a patient described in subdivision (1) or (2) upon receipt of the patient's consent.

(4) The physician's employer may not provide patient medical records to a requesting physician in a format that materially differs from the format used to create or store the medical record during the routine or ordinary course of business, unless a different format is mutually agreed upon by the parties. Paper or portable document format copies of the medical records satisfy the formatting provisions of this chapter.

Sec. 2. A person or entity required to create, copy, or transfer a patient medical record for a reason specified in this chapter may charge a reasonable fee for the service as permitted under applicable state or federal law.

SECTION 10. IC 27-1-37-7, AS ADDED BY SEA 5-2020, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 7. (a) This section applies to health provider contracts ~~beginning July 1, 2020.~~ **entered into or renewed after June 30, 2020.**

(b) A health provider contract, including a contract with a pharmacy benefit manager or a health facility, may not contain a provision that prohibits the disclosure of health care service claims data to employers providing the coverage. However, any disclosure of claims data must

comply with health privacy laws, including the federal Health Insurance Portability and Accountability Act (HIPAA) (P.L. 104-191).

(c) A violation of this section constitutes an unfair or deceptive act or practice in the business of insurance under IC 27-4-1-4.

SECTION 11. IC 27-1-45 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]:

Chapter 45. Health Facility Compensation

Sec. 0.5. This chapter does not apply to emergency services.

Sec. 1. As used in this chapter, "covered individual" means an individual who is entitled to be provided health care services at a cost established according to a network plan.

Sec. 1.5. As used in this chapter, "emergency services" means services that are:

(1) furnished by a provider qualified to furnish emergency services; and

(2) needed to evaluate or stabilize an emergency medical condition.

Sec. 2. (a) As used in this chapter, "facility" means an institution in which health care services are provided to individuals. The term includes:

(1) hospitals and other licensed ambulatory surgical centers; and

(2) ambulatory outpatient surgical centers.

(b) The term does not include the following:

(1) A private mental health institution licensed under IC 12-25.

(2) A Medicare certified, freestanding rehabilitation hospital.

Sec. 3. As used in this chapter, "in network provider" means a provider that is required under a network plan to provide health care services to covered individuals at not more than a preestablished rate or amount of compensation.

Sec. 4. As used in this chapter, "network plan" means a plan under which providers are required by contract to provide health care services to covered individuals at not more than a preestablished rate or amount of compensation.

Sec. 5. As used in this chapter, "practitioner" means the following:

(1) An individual licensed under IC 25 who provides professional health care services to individuals in a facility.

(2) An organization:

(A) that consists of practitioners described in subdivision (1); and

(B) through which practitioners described in subdivision (1) provide health care services.

(3) An entity that:

(A) is not a facility; and

(B) employs practitioners described in subdivision (1) to provide health care services.

Sec. 6. As used in this chapter, "provider" means:

(1) a facility; or

(2) a practitioner.

Sec. 7. (a) This section is effective beginning July 1, 2021.

(b) Except as provided in subsection (c), a:

(1) facility; and

(2) practitioner;

shall provide to a covered individual, at least five (5) days before a health care service is scheduled to be provided by the facility or practitioner to the covered individual, a good faith estimate of the amount that the facility or practitioner intends to charge for each health care service to be provided to the covered individual and in compliance with IC 27-1-46-11(c).

(c) A facility or a practitioner is not required to provide the good faith estimate required in subsection (b) if the health care service to be provided to the covered individual is scheduled to be performed within five (5) business days after the health care service is ordered.

Sec. 8. (a) An out of network practitioner who provides health care services at an in network facility to a covered individual may not be reimbursed more for the health care services than allowed according to the rate or amount of compensation established by the covered individual's network plan as described in subsection (b) unless all of the following conditions are met:

(1) At least five (5) days before the health care services are scheduled to be provided to the covered individual, the facility or practitioner provides to the covered individual, on a form

separate from any other form provided to the covered individual by the facility or practitioner, a statement in conspicuous type at least as large as 14 point type that meets the following requirements:

(A) Includes a notice reading substantially as follows: "[Name of facility or practitioner] intends to charge you more for [name or description of health care services] than allowed according to the rate or amount of compensation established by the network plan applying to your coverage. [Name of facility or practitioner] is not entitled to charge this much for [name or description of health care services] unless you give your written consent to the charge.".

(B) Sets forth the facility's or practitioner's good faith estimate of the amount that the facility or practitioner intends to charge for the health care services provided to the covered individual.

(C) Includes a notice reading substantially as follows concerning the good faith estimate set forth under clause (B): "The estimate of our intended charge for [name or description of health care services] set forth in this statement is provided in good faith and is our best estimate of the amount we will charge. If our actual charge for [name or description of health care services] exceeds our estimate, we will explain to you why the charge exceeds the estimate.".

(2) The covered individual signs the statement provided under subdivision (1), signifying the covered individual's consent to the charge for the health care services being greater than allowed according to the rate or amount of compensation established by the network plan.

(b) If an out of network practitioner does not meet the requirements of subsection (a), the out of network practitioner shall include on any bill remitted to a covered individual a written statement in 14 point type stating that the covered individual is not responsible for more than the rate or amount of compensation established by the covered individual's network plan plus any required copayment, deductible, or coinsurance.

(c) If a covered individual's network plan remits reimbursement to the covered individual for health care services subject to the reimbursement limitation of subsection (a), the network plan shall provide with the reimbursement a written statement in 14 point type that states that the covered individual is not responsible for more than the rate or amount of compensation established by the covered individual's network plan and that is included in the reimbursement plus any required copayment, deductible, or coinsurance.

(d) If the charge of a facility or practitioner for health care services provided to a covered individual exceeds the estimate provided to the covered individual under subsection (a)(1)(B), the facility or practitioner shall explain in a writing provided to the covered individual why the charge exceeds the estimate.

(e) The department shall adopt emergency rules under IC 4-22-2-37.1 to specify the requirements of the notifications set forth in:

(1) subsections (b) and (c); and

(2) IC 25-1-9-23(j) and IC 25-1-9-23(k).

Sec. 9. (a) The insurance commissioner may, after notice and hearing under IC 4-21.5, impose on the provider facility a civil penalty of not more than one thousand dollars ($1,000) for each violation of this chapter.

(b) A civil penalty collected under this section shall be deposited in the department of insurance fund established by IC 27-1-3-28.

SECTION 12. IC 27-1-46 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]:

Chapter 46. Provider Facility Good Faith Estimates

Sec. 0.5. Nothing in this chapter prohibits:

(1) a self-funded health benefit plan that complies with the federal Employee Retirement Income Security Act (ERISA) of 1974 (29 U.S.C. 1001 et seq.); or

(2) a:

(A) self-insurance program established to provide group health coverage as described in IC 5-10-8-7(b); or

(B) a contract for health services as described in IC 5-10-8-7(c);

from providing information requested by a practitioner or provider facility under this chapter.

Sec. 1. As used in this chapter, "covered individual" means an individual who is entitled to be provided health care services according to a health carrier's network plan.

Sec. 1.5. As used in this chapter, "episode of care" means the medical care ordered to be provided for a specific medical procedure, condition, or illness.

Sec. 2. As used in this chapter, "good faith estimate" means a reasonable estimate of the price a provider anticipates charging for an episode of care for nonemergency health care services that:

(1) is made by a provider under this chapter upon the request of the individual for whom the nonemergency health care service has been ordered; and

(2) is not binding upon the provider.

Sec. 3. (a) As used in this chapter, "health carrier" means an entity:

(1) that is subject to IC 27 and the administrative rules adopted under IC 27; and

(2) that enters into a contract to:

(A) provide health care services;

(B) deliver health care services;

(C) arrange for health care services; or

(D) pay for or reimburse any of the costs of health care services.

(b) The term includes the following:

(1) An insurer, as defined in IC 27-1-2-3(x), that issues a policy of accident and sickness insurance, as defined in IC 27-8-5-1(a).

(2) A health maintenance organization, as defined in IC 27-13-1-19.

(3) An administrator (as defined in IC 27-1-25-1(a)) that is licensed under IC 27-1-25.

(4) A state employee health plan offered under IC 5-10-8.

(5) A short term insurance plan (as defined by IC 27-8-5.9-3).

(6) Any other entity that provides a plan of health insurance, health benefits, or health care services.

(c) The term does not include:

(1) an insurer that issues a policy of accident and sickness insurance;

(2) a limited service health maintenance organization (as defined in IC 27-13-34-4); or

(3) an administrator;

that only provides coverage for, or processes claims for, dental or vision care services.

Sec. 4. As used in this chapter, "in network", when used in reference to a provider, means that the health care services provided by the provider are subject to a health carrier's network plan.

Sec. 5. (a) As used in this chapter, "network" means a group of provider facilities and practitioners that:

(1) provide health care services to covered individuals; and

(2) have agreed to, or are otherwise subject to, maximum limits on the prices for the health care services to be provided to the covered individuals.

(b) The term includes the following:

(1) A network described in subsection (a) that is established pursuant to a contract between an insurer providing coverage under a group health policy and:

(A) individual provider facilities and practitioners;

(B) a preferred provider organization; or

(C) an entity that employs or represents providers, including:

(i) an independent practice association; and

(ii) a physician-hospital organization.

(2) A health maintenance organization, as defined in IC 27-13-1-19.

Sec. 6. As used in this chapter, "network plan" means a plan of a health carrier that:

(1) requires a covered individual to receive; or

(2) creates incentives, including financial incentives, for a covered individual to receive;

health care services from one (1) or more providers that are under contract with, managed by, or owned by the health carrier.

Sec. 7. As used in this chapter, "nonemergency health care service" means a discrete service or series of services ordered by a practitioner for an episode of care for the purpose of:

(1) diagnosis;

(2) prevention;

(3) treatment;

(4) cure; or

(5) relief;

of a physical, mental, or behavioral health condition, illness, injury, or disease that is not provided on an emergency or urgent care basis.

Sec. 8. (a) As used in this chapter, "practitioner" means an individual or entity duly licensed or legally authorized to provide health care services.

(b) The term does not include the following:

(1) A dentist licensed under IC 25-14.

(2) An optometrist licensed under IC 25-24.

Sec. 8.5. As used in this chapter, "price" means the negotiated rate between the:

(1) provider facility and practitioner; and

(2) covered individual's primary health carrier.

Sec. 9. As used in this chapter, "provider" means:

(1) a provider facility; or

(2) a practitioner.

Sec. 10. (a) As used in this chapter, "provider facility"means any of the following:

(1) A hospital licensed under IC 16-21-2.

(2) An ambulatory outpatient surgery center licensed under IC 16-21-2.

(3) An abortion clinic licensed under IC 16-21-2.

(4) A birthing center licensed under IC 16-21-2.

(5) Except for an urgent care facility, a facility that provides diagnostic services to the medical profession or the general public, including outpatient facilities.

(6) A laboratory where clinical pathology tests are carried out on specimens to obtain information about the health of a patient.

(7) A facility where radiologic and electromagnetic images are made to obtain information about the health of a patient.

(8) An infusion center that administers intravenous medications.

(b) The term does not include the following:

(1) A private mental health institution licensed under IC 12-25.

(2) A Medicare certified, freestanding rehabilitation hospital.

Sec. 10.5. (a) As used in this chapter, "urgent care facility" means a freestanding health care facility that offers episodic, walk-in care for the treatment of acute, but not life threatening, health conditions.

(b) The term does not include an emergency department of a hospital or a nonprofit or government operated health clinic.

Sec. 11. (a) This section does not:

(1) apply to a individual who is a Medicaid recipient; or

(2) limit the authority of a legal representative of the patient.

(b) An individual for whom a nonemergency health care service has been ordered, scheduled, or referred may request from the provider facility in which the nonemergency health care service will be provided a good faith estimate of the price that will be charged for the nonemergency health care service.

(c) A provider facility that receives a request from an individual under subsection (b) shall, not more than five (5) business days after receiving relevant information from the individual, provide to the individual a good faith estimate of:

(1) the price that the provider facility in which the health care service will be performed will charge for:

(A) the use of the provider facility to care for the individual for the nonemergency health care service;

(B) the services rendered by the staff of the provider facility in connection with the nonemergency health care service; and

(C) medication, supplies, equipment, and material items to be provided to or used by the individual while the individual is present in the provider facility in connection with the nonemergency health care service; and

(2) the price charged for the services of all practitioners, support staff, and other persons who provide professional health services:

(A) who may provide services to or for the individual during the individual's presence in the provider facility for the nonemergency health care service; and

(B) for whose services the individual will be charged separately from the charge of the provider facility.

(d) The price that must be included in a good faith estimate under this section includes all services under subsection (c)(1) or (c)(2) for imaging, laboratory services, diagnostic services, therapy, observation services, and other services expected to be provided to the individual for the episode of care.

(e) A provider facility shall ensure that a good faith estimate states that:

(1) an estimate provided under this section is not binding on the provider facility;

(2) the price the provider facility charges the individual may vary from the estimate based on the individual's medical needs; and

(3) the estimate provided under this section is only valid for thirty (30) days.

(f) A provider facility may not charge a patient for information provided under this section.

Sec. 12. (a) If:

(1) the individual who requests a good faith estimate from a provider facility under this chapter and has been verified as a covered individual with respect to a network plan; and

(2) the provider facility from which the individual requests the good faith estimate is in network with respect to the same network plan;

the good faith estimate that the provider facility provides to the individual under this chapter must be based on the price to which the provider facility and any practitioners referred to in section 11(c)(2) of this chapter have agreed as in network providers.

(b) If the individual who requests a good faith estimate from a provider facility under this chapter:

(1) is not a covered individual with respect to any network plan; or

(2) is not a covered individual with respect to a network plan with respect to which the provider facility is in network;

the good faith estimate that the provider facility provides to the individual under this chapter must be based on the price that the provider facility and any practitioners referred to in section 11(c)(2) of this chapter charge for the nonemergency health care services in the absence of any network plan.

Sec. 13. A provider facility may provide a good faith estimate to an individual under this chapter:

(1) in a writing delivered to the individual;

(2) by electronic mail; or

(3) through a mobile application or other Internet web based method, if available;

according to the preference expressed by the individual.

Sec. 14. (a) A good faith estimate provided by a provider facility to an individual under this chapter must:

(1) provide a summary of the services and material items that the good faith estimate is based on; and

(2) include a total figure that is a sum of the estimated prices referred to in subdivision (1).

(b) Subsection (a) does not prohibit a provider facility from providing to an individual a good faith estimate that indicates how much of the total figure stated under subsection (a)(2) will be the individual's out-of-pocket expense after the health carrier's payment of charges.

(c) A health carrier or practitioner must provide a provider facility with the information needed by the provider facility to comply with the requirements under this chapter not more than two (2) business days after receiving the request.

(d) A provider facility is not subject to the penalties under section 17 of this chapter if:

(1) a health carrier or practitioner fails to provide the provider facility with the information as required under subsection (c);

(2) the provider facility provides the individual with a good faith estimate based on any information that the provider facility has; and

(3) the provider facility provides the individual with an updated good faith estimate after the health carrier or practitioner has provided the information required under subsection (c).

Sec. 15. (a) As used in this section, "waiting room" means a space in a building used by a provider facility in which people check in or register to:

(1) be seen by practitioners; or

(2) meet with members of the staff of the provider facility.

(b) A provider facility shall ensure that each waiting room of the provider facility includes at least one (1) printed notice that:

(1) is designed, lettered, and positioned within the waiting room so as to be conspicuous to and readable by any individual with normal vision who visits the waiting room; and

(2) states the following, or words to the same effect: "A patient may ask for an estimate of the amount the patient will be charged for a nonemergency medical service provided in this facility. The law requires that an estimate be provided within 5 business days.".

(c) If a provider facility maintains an Internet web site, the provider facility shall ensure that the Internet web site includes at least one (1) printed notice that:

(1) is designed, lettered, and featured on the Internet web site so as to be conspicuous to and readable by any individual with normal vision who visits the Internet web site; and

(2) states the following, or words to the same effect: "A patient may ask for an estimate of the amount the patient will be charged for a nonemergency medical service provided in our facility. The law requires that an estimate be provided within 5 business days.".

Sec. 16. If:

(1) a provider facility receives a request for a good faith estimate under this chapter; and

(2) the patient is eligible for Medicare coverage;

the provider facility shall provide a good faith estimate to the patient within five (5) business days based on available Medicare rates.

Sec. 17. (a) If a provider facility fails or refuses:

(1) to provide a good faith estimate as required by this chapter; or

(2) to provide notice on the provider facility's Internet web site as required under this chapter;

the insurance commissioner may, after notice and hearing under IC 4-21.5, impose on the provider facility a civil penalty of not more than one thousand dollars ($1,000) for each violation.

(b) A civil penalty collected under this section shall be deposited in the department of insurance fund established by IC 27-1-3-28.

SECTION 13. IC 27-2-25 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]:

Chapter 25. Health Carrier Good Faith Estimates

Sec. 0.5. Nothing in this chapter prohibits:

(1) a self-funded health benefit plan that complies with the federal Employee Retirement Income Security Act (ERISA) of 1974 (29 U.S.C. 1001 et seq.); or

(2) a:

(A) self-insurance program established to provide group health coverage as described in IC 5-10-8-7(b); or

(B) contract for health services, as described in IC 5-10-8-7(c);

from providing information requested by a practitioner or provider facility under this chapter.

Sec. 1. As used in this chapter, "coverage" means the right of an individual to receive:

(1) health care services; or

(2) payment or reimbursement for health care services;

from a health carrier.

Sec. 2. As used in this chapter, "covered individual" means an individual who is entitled to coverage from a health carrier.

Sec. 2.5. As used in this chapter, "episode of care" means the medical care ordered to be provided for a specific medical procedure, condition, or illness.

Sec. 3. As used in this chapter, "good faith estimate" means a health carrier's reasonable estimate of:

(1) the amount of the cost of a nonemergency health care service that the health carrier will:

(A) pay for; or

(B) reimburse to;

a covered individual; or

(2) the applicable benefit limitations of the nonemergency health care service a covered individual is entitled to receive;

that a health carrier provides upon request to a covered individual for whom a nonemergency health care service has been ordered.

Sec. 4. (a) As used in this chapter, "health carrier" means an entity:

(1) that is subject to this title and the administrative rules adopted under this title; and

(2) that enters into a contract to:

(A) provide health care services;

(B) deliver health care services;

(C) arrange for health care services; or

(D) pay for or reimburse any of the costs of health care services.

(b) The term includes the following:

(1) An insurer, as defined in IC 27-1-2-3(x), that issues a policy of accident and sickness insurance, as defined in IC 27-8-5-1(a).

(2) A health maintenance organization, as defined in IC 27-13-1-19.

(3) An administrator (as defined in IC 27-1-25-1(a)) that is licensed under IC 27-1-25.

(4) A state employee health plan offered under IC 5-10-8.

(5) A short term insurance plan (as defined by IC 27-8-5.9-3).

(6) Any other entity that provides a plan of health insurance, health benefits, or health care services.

(c) The term does not include:

(1) an insurer that issues a policy of accident and sickness insurance;

(2) a limited service health maintenance organization (as defined in IC 27-13-34-4); or

(3) an administrator;

that only provides coverage for, or processes claims for, dental or vision care services.

Sec. 5. As used in this chapter, "in network", when used in reference to a practitioner, means that the health care services provided by the practitioner are subject to a health carrier's network plan.

Sec. 6. (a) As used in this chapter, "network" means a group of provider facilities and practitioners that:

(1) provide health care services to covered individuals; and

(2) have agreed to, or are otherwise subject to, maximum limits on the prices for the health care services to be provided to the covered individuals.

(b) The term includes the following:

(1) A network described in subsection (a) that is established pursuant to a contract between an insurer providing coverage under a group health policy and:

(A) individual provider facilities and practitioners;

(B) a preferred provider organization; or

(C) an entity that employs or represents providers, including:

(i) an independent practice association; and

(ii) a physician-hospital organization.

(2) A health maintenance organization, as defined in IC 27-13-1-19.

Sec. 7. As used in this chapter, "network plan" means a plan of a health carrier that:

(1) requires a covered individual to receive; or

(2) creates incentives, including financial incentives, for a covered individual to receive;

health care services from one (1) or more providers that are under contract with, managed by, or owned by the health carrier.

Sec. 8. As used in this chapter, "nonemergency health care service" means a discrete service or series of services ordered by a practitioner for an episode of care for the:

(1) diagnosis;

(2) prevention;

(3) treatment;

(4) cure; or

(5) relief;

of a physical, mental, or behavioral health condition, illness, injury, or disease that is not provided on an emergency or urgent care basis.

Sec. 9. (a) As used in this chapter, "practitioner" means an individual or entity duly licensed or legally authorized to provide health care services.

(b) The term does not include the following:

(1) A dentist licensed under IC 25-14.

(2) An optometrist licensed under IC 25-24.

Sec. 9.5. As used in this chapter, "price" means the negotiated rate between the:

(1) provider facility and practitioner; and

(2) covered individual's primary health carrier;

minus the amount that the health carrier will pay.

Sec. 10. As used in this chapter, "provider" means:

(1) a provider facility; or

(2) a practitioner.

Sec. 11. As used in this chapter, "provider facility"means any of the following:

(1) A hospital licensed under IC 16-21-2.

(2) An ambulatory outpatient surgery center licensed under IC 16-21-2.

(3) An abortion clinic licensed under IC 16-21-2.

(4) A birthing center licensed under IC 16-21-2.

(5) Except for an urgent care facility (as defined by IC 27-1-46-10.5), a facility that provides diagnostic services to the medical profession or the general public.

(6) A laboratory where clinical pathology tests are carried out on specimens to obtain information about the health of a patient.

(7) A facility where radiologic and electromagnetic images are made to obtain information about the health of a patient.

(8) An infusion center that administers intravenous medications.

Sec. 12. (a) A covered individual may request from the health carrier a good faith estimate of:

(1) the amount of the cost of the nonemergency health care service that the health carrier will:

(A) pay for; or

(B) reimburse to;

the covered individual; or

(2) the applicable benefit limitations of the ordered nonemergency health care service a covered individual is entitled to receive from the health carrier.

(b) If:

(1) a health carrier provides coverage to a covered individual through a network plan; and

(2) the health carrier receives a request for a good faith estimate from a covered individual for whom a nonemergency health care service has been ordered;

the health carrier shall inform the covered individual whether the provider facility in which the nonemergency health care service will be provided is in network and whether each scheduled practitioner who may provide the nonemergency health care service is in network.

(c) A health carrier that receives a request from a covered individual patient under subsection (b) shall, not more than five (5) business days after receiving relevant information, provide to the individual a good faith estimate as described in section 14 of this chapter.

(d) A health carrier must ensure that a good faith estimate states that the estimate provided under this section is only valid for thirty (30) days and that:

(1) the amount that the health carrier will:

(A) pay; or

(B) reimburse;

for or to the covered individual for the nonemergency health care services the individual receives; and

(2) the applicable benefit limitations of the nonemergency health care services the individual will receive;

may vary from the health carrier's good faith estimate based on the individual's medical needs.

(e) A health carrier may not charge an individual for information provided under this section.

(f) A practitioner and provider facility shall provide a health carrier with the information needed by the health carrier to comply with the requirements under this chapter not more than two (2) business days after receiving the request.

Sec. 13. A health carrier may provide a good faith estimate to an individual under this chapter:

(1) in a writing delivered to the individual;

(2) by electronic mail; or

(3) through a mobile application or other Internet web based method, if available;

according to the preference expressed by the individual.

Sec. 14. (a) A good faith estimate provided by a health carrier to an individual under this chapter must:

(1) in the case of an insurer or another health carrier that pays or reimburses the cost of health care services:

(A) provide a summary of the services and material items that the good faith estimate is based on;

(B) include a total figure that is a sum of the amounts referred to in clause (A); and

(C) state the out-of-pocket costs the covered individual will incur, if any, beyond the amount that the health carrier will pay or reimburse; and

(2) in the case of a health maintenance organization or another health carrier that provides health care services:

(A) provide a summary of the applicable benefit limitations of the health care services to which the covered individual is entitled; and

(B) state the out-of-pocket costs the covered individual will incur, if any, beyond being provided the health care services referred to in clause (A).

(b) A practitioner and provider facility shall provide a health carrier with the information needed by the health carrier to comply with the requirements under this chapter not more than two (2) business days after receiving the request.

(c) A health carrier is not subject to the penalties under section 16 of this chapter if:

(1) a provider facility or practitioner fails to provide the health carrier with the information as required under subsection (b);

(2) the health carrier provides the individual with a good faith estimate based on any information that the health carrier has; and

(3) the health carrier provides the individual with an updated good faith estimate after the provider facility or practitioner has provided the information required under subsection (b).

Sec. 15. A health carrier that provides an Internet web site for the use of its covered individuals shall ensure that the Internet web site includes a printed notice that:

(1) is designed, lettered, and featured on the Internet web site so as to be conspicuous to and readable by any individual with normal vision who visits the Internet web site; and

(2) states the following, or words to the same effect: "A covered individual may at any time ask the health carrier for an estimate of the amount the health carrier will pay for or reimburse to a covered individual for nonemergency health care services that have been ordered for the covered individual or the applicable benefit limitations of the ordered nonemergency health care services a covered individual is entitled to receive from the health carrier. The law requires that an estimate be provided within 5 business days.".

Sec. 16. (a) If a health carrier fails or refuses:

(1) to provide a good faith estimate as required by this chapter; or

(2) to provide notice on the health carrier's Internet web site as required by section 15 of this chapter;

the insurance commissioner may, after notice and hearing under IC 4-21.5, impose on the health carrier a civil penalty of not more than one thousand dollars ($1,000) for each day of noncompliance.

(b) A civil penalty collected under this section shall be deposited in the department of insurance fund established by IC 27-1-3-28.

P.L.94-2020
[H.1006. Approved March 18, 2020.]

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

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

SECTION 1. IC 31-9-2-7, AS AMENDED BY P.L.191-2011, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 7. (a) "Adult", for purposes of IC 31-19-17 through IC 31-19-25.5, means a person who is at least twenty-one (21) years of age.

(b) "Adult", for purposes of the juvenile law, means a person other than a child.

(c) "Adult", for purposes of IC 31-11, means:

(1) a person at least eighteen (18) years of age; or

(2) a:

(A) married minor who is at least sixteen (16) years of age; or

(B) minor who has been completely emancipated by a court;

subject to specific constitutional and statutory age requirements and health and safety regulations that remain applicable to the person because of the person's age.

SECTION 2. IC 31-9-2-133.1, AS AMENDED BY P.L.144-2018, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 133.1. "Victim of human or sexual trafficking", for purposes of IC 31-34-1-3.5, refers to a child who is recruited, harbored, transported, or engaged in:

(1) forced labor;

(2) involuntary servitude;

(3) prostitution;

(4) juvenile prostitution, as defined in IC 35-31.5-2-178.5;

(5) child exploitation, as defined in IC 35-42-4-4(b);

(6) marriage, unless authorized by a court under ~~IC 31-11-1-6;~~ **IC 31-11-1-7;**

(7) trafficking for the purpose of prostitution, juvenile prostitution, or participation in sexual conduct as defined in IC 35-42-4-4(a)(4); or

(8) human trafficking as defined in IC 35-42-3.5-0.5.

SECTION 3. IC 31-11-1-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 4. Except as provided in ~~section~~ **sections** 5 ~~or 6~~ **and 7** of this chapter, two (2) individuals may not marry each other unless both individuals are at least eighteen (18) years of age.

SECTION 4. IC 31-11-1-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 5. Two (2) individuals may marry each other if:

(1) both individuals are at least ~~seventeen (17)~~ **sixteen (16)** years of age;

(2) one (1) of the individuals is not more than four (4) years older than the other individual if the other individual is sixteen (16) or seventeen (17) years of age;

~~(2)~~ **(3)** each individual who is less than eighteen (18) years of age: ~~receives the consent required by IC 31-11-2;~~

(A) has been granted an order by a juvenile court under section 7 of this chapter granting the individual approval to marry and completely emancipating the individual; and

(B) not earlier than fifteen (15) days after the issuance of the order described in clause (A), presents to the clerk of the circuit court an application for a marriage license accompanied by:

(i) a certified copy of the order; and

(ii) a certificate of completion of any premarital counseling required under the order; and

~~(3)~~ **(4)** the individuals are not prohibited from marrying each other for a reason set forth in this article.

SECTION 5. IC 31-11-1-6 IS REPEALED [EFFECTIVE JULY 1, 2020]. ~~Sec. 6. (a) Two (2) individuals may marry each other if:~~

~~(1) the individuals are not prohibited from marrying for a reason set forth in this article; and~~

~~(2) a circuit or superior court of the county of residence of either individual considers the information required to be submitted by subsection (b) and authorizes the clerk of the circuit court to issue the individuals a marriage license.~~

~~(b) A court may not authorize the clerk of the circuit court to issue a marriage license under subsection (a) unless:~~

~~(1) the individuals have filed with the court a verified petition that includes allegations that:~~

~~(A) the female is at least fifteen (15) years of age;~~

~~(B) the female is pregnant or is a mother;~~

~~(C) each of the individuals who is less than eighteen (18) years of age has received the consent required by IC 31-11-2;~~

~~(D) the male is at least fifteen (15) years of age and is either:~~

~~(i) the putative father of the expected child of the female; or~~

~~(ii) the father of the female's child; and~~

~~(E) the individuals desire to marry each other;~~

~~(2) the court has provided notice of the hearing required by this section to both parents of both petitioners or, if applicable to either petitioner:~~

~~(A) to the legally appointed guardian or custodian of a petitioner; or~~

~~(B) to one (1) parent of a petitioner if the other parent:~~

~~(i) is deceased;~~

~~(ii) has abandoned the petitioner;~~

~~(iii) is mentally incompetent;~~

~~(iv) is an individual whose whereabouts is unknown; or~~

~~(v) is a noncustodial parent who is delinquent in the payment of court ordered child support on the date the petition is filed;~~

~~(3) a hearing is held on the petition in which the petitioners and interested persons, including parents, guardians, and custodians, are given an opportunity to appear and present evidence; and~~

~~(4) the allegations of the petition filed under subdivision (1) have been proven.~~

~~(c) A court's authorization granted under subsection (a):~~

~~(1) constitutes part of the confidential files of the clerk of the circuit court; and~~

~~(2) may be inspected only by written permission of a circuit, superior, or juvenile court.~~

SECTION 6. IC 31-11-1-7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 7. (a) A minor who is sixteen (16) or seventeen (17) years of age may petition the juvenile court in the county in which the minor resides for an order granting the minor approval to marry and completely emancipating the minor. The petition must contain the following information:**

(1) The minor's name, gender, and age.

(2) Documentary proof of the minor's date of birth.

(3) The minor's address, and how long the minor has resided at that address.

(4) The following information with regard to the intended spouse:

(A) The intended spouse's name, gender, and age.

(B) Documentary proof of the intended spouse's date of birth.

(C) The intended spouse's address, and how long the intended spouse has resided at that address.

(5) A statement of:

(A) the reasons the minor desires to marry;

(B) how the minor and the intended spouse came to know each other; and

(C) how long the minor and the intended spouse have known each other.

(6) Copies of:

(A) any criminal records of the minor and of the intended spouse; and

(B) any protective order:

(i) issued to protect or restrain either the minor or the intended spouse; and

(ii) relating to domestic or family violence, a sexual offense, or stalking.

(7) Evidence that the minor has demonstrated maturity and capacity for self-sufficiency and self-support independent of the minor's parents or legal guardians or the intended spouse, including proof that the minor:

(A) has graduated from high school;

(B) has obtained a high school equivalency diploma;

(C) has a plan for continued education;

(D) has completed a vocational training or certificate program;

(E) has attained a professional licensure or certification; or

(F) has maintained stable housing or employment for at least three (3) consecutive months prior to filing the petition.

(b) A court with which a petition under subsection (a) is filed shall:

(1) set a date for an evidentiary hearing on the petition;

(2) provide reasonable notice of the hearing to the minor and the minor's parents or legal guardians; and

(3) appoint an attorney to serve as guardian ad litem for the minor.

(c) At the evidentiary hearing, the court shall conduct an in camera interview with the minor separate from the minor's parents or legal guardians and intended spouse.

(d) Following the evidentiary hearing, and subject to subsection (e), the court may grant the petition if the court finds all of the following:

(1) The minor is a county resident who is at least sixteen (16) years of age.

(2) The intended spouse is not more than four (4) years older than the minor.

(3) The minor's decision to marry is voluntary, and free from force, fraud, or coercion.

(4) The minor is mature enough to make a decision to marry.

(5) The minor has established the minor's capacity to be self-sufficient and self-supporting independent of the minor's parents, legal guardians, and intended spouse.

(6) The minor understands the rights and responsibilities of parties to marriage and of completely emancipated minors.

(7) It is in the best interests of the minor for the court to grant the petition to marry and to completely emancipate the minor. In making the determination under this subdivision, the court

shall consider how marriage and emancipation may affect the minor's health, safety, education, and welfare.

A court that grants a petition under this section shall issue written findings regarding the court's conclusions under subdivisions (1) through (7).

(e) The following, considered independently or together, are not sufficient to determine the best interests of a minor for purposes of this section:

(1) The fact that the minor or the intended spouse is pregnant or has had a child.

(2) The wishes of the parents or legal guardians of the minor. However, there is a rebuttable presumption that marriage and emancipation are not in the best interests of the minor if both parents of the minor oppose the minor's marriage and emancipation.

(f) The juvenile court shall deny a petition under this section if the court finds any of the following:

(1) The intended spouse:

(A) is or was in a position of authority or special trust in relation to the minor; or

(B) has or had a professional relationship with the minor, as defined in IC 35-42-4-7.

(2) The intended spouse has been convicted of, or entered into a diversion program for, an offense under IC 35-42:

(A) that involves an act of violence;

(B) of which a child was the victim; or

(C) that is an offense under:

(i) IC 35-42-3.5; or

(ii) IC 35-42-4.

(3) Either the minor or the intended spouse is pregnant or is the mother of a child, and the court finds by a preponderance of evidence that:

(A) the other party to the marriage is the father of the child or unborn child; and

(B) the conception of the child or unborn child resulted from the commission of an offense under:

(i) IC 35-42-4-3 (child molesting);

(ii) IC 35-42-4-6 (child solicitation);

(iii) IC 35-42-4-7 (child seduction); or

(iv) IC 35-42-4-9 (sexual misconduct with a minor).

(4) The intended spouse has previously been enjoined by a protective order relating to domestic or family violence, a sexual offense, or stalking, regardless of whether the person protected by the order was the minor.

(g) If a court grants a petition under this section, the court shall also issue an order of complete emancipation of the minor and provide a certified copy of the order to the minor.

(h) A minor emancipated under this section is considered to have all the rights and responsibilities of an adult, except as provided under specific constitutional or statutory age requirements that apply to the minor because of the minor's age, including requirements related to voting, use of alcoholic beverages or tobacco products, and other health and safety regulations.

(i) A court hearing a petition under this section may issue any other order the court considers appropriate for the minor's protection.

(j) A court that grants a petition under this section may require that both parties to the marriage complete premarital counseling with a marriage and family therapist licensed under IC 25-22.5, IC 25-23.6-8, or IC 25-33.

(k) A court that grants a petition under this section may impose any other condition on the grant of the petition that the court determines is reasonable under the circumstances.

SECTION 7. IC 31-11-2 IS REPEALED [EFFECTIVE JULY 1, 2020]. (Consent to Marry Required for Certain Individuals).

SECTION 8. IC 31-11-4-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 6. Each individual who applies for a marriage license must submit to the clerk of the circuit court **documentary proof of the individual's age, in the form of:**

(1) a:

(A) certified copy of the individual's birth certificate;

(B) copy of a birth record; or

(C) certification of birth issued by the state department of health, a local registrar of vital statistics, or another public office charged with similar duties under the law of another state, territory, or country;

(2) a certified copy of a judicial decree issued under IC 34-28-1 (or IC 34-4-3 before its repeal) that establishes the date of the individual's birth;

~~(3) any written evidence of the individual's date of birth that is satisfactory to the clerk; or~~

(3) a passport;

(4) a valid operator's license or other identification **that is** issued by a state **or another governmental entity and** that contains the individual's date of birth and current address;

(5) an immigration or naturalization record showing the individual's date of birth;

(6) a United States selective service card or armed forces record showing the individual's date of birth; or

(7) a:

(A) court record; or

(B) document or record issued by a governmental entity;

showing the individual's date of birth.

SECTION 9. IC 31-11-4-8 IS REPEALED [EFFECTIVE JULY 1, 2020]. ~~Sec. 8. If a written consent is required by IC 31-11-2, a clerk of a circuit court may not receive an application for a marriage license unless:~~

~~(1) the clerk has filed the consent form in the clerk's office; and~~

~~(2) the clerk has entered a notice of the filing on the marriage license docket.~~

SECTION 10. IC 31-11-8-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 6. A marriage is void if the parties to the marriage:

(1) are residents of Indiana;

(2) had their marriage solemnized in another state with the intent to:

(A) evade **IC 31-11-1-4,** IC 31-11-4-4, or IC 31-11-4-11 (or IC 31-7-3-3 or IC 31-7-3-10 before their repeal); and

(B) subsequently return to Indiana and reside in Indiana; and

(3) without having established residence in another state in good faith, return to Indiana and reside in Indiana after the marriage is solemnized.

SECTION 11. IC 31-11-11-2 IS REPEALED [EFFECTIVE JULY 1, 2020]. ~~Sec. 2. A person who knowingly furnishes false information~~

~~in a verified written consent under IC 31-11-2 commits a Level 6 felony.~~

SECTION 12. IC 31-34-20-6, AS AMENDED BY P.L.85-2017, SECTION 104, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 6. (a) The juvenile court **for the county in which a child resides** may emancipate ~~a~~ **the** child under section 1(a)(5) of this chapter **upon a petition brought by the child.**

(b) The court in which a petition is filed under subsection (a) shall appoint an attorney to serve as guardian ad litem for the child. The guardian ad litem shall investigate the statements contained in the petition and file a report of the investigation with the court.

(c) After receiving the report of the guardian ad litem under subsection (b) and holding a hearing, the court may grant the petition if the court finds:

(1) that emancipation is in the child's best interests; and

(2) that the child:

~~(1)~~ **(A)** wishes to be free from parental control and protection and no longer needs that control and protection;

~~(2)~~ **(B)** has sufficient money for the child's own support;

~~(3)~~ **(C)** understands the consequences of being free from parental control and protection; and

~~(4)~~ **(D)** has an acceptable plan for independent living.

~~(b)~~ **(d)** If the juvenile court **completely emancipates the child, the child has all the rights and responsibilities of an adult. If the juvenile court** partially ~~or completely~~ emancipates the child, the court shall specify the terms of the emancipation, which may include the following:

(1) Suspension of the parent's or guardian's duty to support the child. In this case, the judgment of emancipation supersedes the support order of a court.

(2) Suspension of the following:

(A) The parent's or guardian's right to the control or custody of the child.

(B) The parent's right to the child's earnings.

~~(3) Empowering the child to consent to marriage.~~

~~(4)~~ **(3)** Empowering the child to consent to military enlistment.

~~(5)~~ **(4)** Empowering the child to consent to:

(A) medical;
(B) psychological;
(C) psychiatric;
(D) educational; or
(E) social;
services.

~~(6)~~ **(5)** Empowering the child to contract.

~~(7)~~ **(6)** Empowering the child to own property.

~~(c)~~ **(e)** An emancipated child remains subject to the following:

(1) IC 20-33-2 concerning compulsory school attendance.

(2) The continuing jurisdiction of the court.

(3) IC 31-11-1-4 concerning minimum age for marriage.

(4) Other specific constitutional and statutory age requirements applicable to the emancipated child because of the emancipated child's age, including requirements regarding voting, use of alcoholic beverages or tobacco products, and other health and safety regulations.

SECTION 13. IC 31-37-19-27, AS AMENDED BY P.L.85-2017, SECTION 107, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 27. (a) The juvenile court **for the county in which a child resides** may emancipate ~~a~~ **the** child under section 1(a)(5) or 5(b)(5) of this chapter **upon a petition brought by the child.**

(b) The court in which a petition is filed under subsection (a) shall appoint an attorney to serve as guardian ad litem for the child. The guardian ad litem shall investigate the statements contained in the petition and file a report of the investigation with the court.

(c) After receiving the report of the guardian ad litem under subsection (b) and holding a hearing, the court may grant the petition if the court finds that the child:

(1) wishes to be free from parental control and protection and no longer needs that control and protection;

(2) has sufficient money for the child's own support;

(3) understands the consequences of being free from parental control and protection; and

(4) has an acceptable plan for independent living.

~~(b)~~ **(d)** ~~Whenever~~ **If** the juvenile court **completely emancipates the child, the child has all the rights and responsibilities of an adult. If the juvenile court** partially ~~or completely~~ emancipates the child, the court shall specify the terms of the emancipation, which may include the following:

(1) Suspension of the parent's or guardian's duty to support the child. In this case, the judgment of emancipation supersedes the support order of a court.

(2) Suspension of:

(A) the parent's or guardian's right to the control or custody of the child; and

(B) the parent's right to the child's earnings.

~~(3) Empowering the child to consent to marriage.~~

~~(4)~~ **(3)** Empowering the child to consent to military enlistment.

~~(5)~~ **(4)** Empowering the child to consent to:

(A) medical;

(B) psychological;

(C) psychiatric;

(D) educational; or

(E) social;

services.

~~(6)~~ **(5)** Empowering the child to contract.

~~(7)~~ **(6)** Empowering the child to own property.

~~(c)~~ **(e)** An emancipated child remains subject to **the following:**

(1) IC 20-33-2 concerning compulsory school attendance. ~~and~~

(2) The continuing jurisdiction of the court.

(3) IC 31-11-1-4 concerning minimum age for marriage.

(4) Other specific constitutional and statutory age requirements applicable to the emancipated child because of the emancipated child's age, including requirements regarding voting, use of alcoholic beverages or tobacco products, and other health and safety regulations.

SECTION 14. IC 35-52-31-2 IS REPEALED [EFFECTIVE JULY 1, 2020]. ~~Sec. 2. IC 31-11-11-2 defines a crime concerning marriage.~~

P.L.95-2020
[H.1032. Approved March 18, 2020.]

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

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

SECTION 1. IC 35-44.1-3-1, AS AMENDED BY P.L.184-2019, SECTION 12, AND AS AMENDED BY P.L.201-2019, SECTION 3, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1. (a) A person who knowingly or intentionally:

(1) forcibly resists, obstructs, or interferes with a law enforcement officer or a person assisting the officer while the officer is lawfully engaged in the execution of the officer's duties;

(2) forcibly resists, obstructs, or interferes with the authorized service or execution of a civil or criminal process or order of a court; or

(3) flees from a law enforcement officer after the officer has, by visible or audible means, including operation of the law enforcement officer's siren or emergency lights, identified himself or herself and ordered the person to stop;

commits resisting law enforcement, a Class A misdemeanor, except as provided in ~~*subsection (b).*~~ *subsection (c)*.

(b) A person who, having been denied entry by ~~*a*~~ **an emergency medical services provider or a** *law enforcement officer, knowingly or intentionally enters an area that is marked off with barrier tape or other physical barriers, commits interfering with* ~~*law enforcement,*~~ **public safety,** *a Class B misdemeanor, except as provided in subsection (c) or* ~~*(h).*~~ **(j).**

~~*(b)*~~ *(c)* The offense under subsection (a) *or (b)* is a:

(1) Level 6 felony if:

(A) ~~*the offense is described in subsection (a)(3) and*~~ the person uses a vehicle to commit the offense; or

(B) while committing ~~*any*~~ *the* offense, ~~*described in subsection (a),*~~ the person draws or uses a deadly weapon, inflicts bodily injury on or otherwise causes bodily injury to another person, or operates a vehicle in a manner that creates a substantial risk of bodily injury to another person;

(2) Level 5 felony if, while committing ~~*any*~~ *the* offense, ~~*described in subsection (a),*~~ the person operates a vehicle in a manner that causes serious bodily injury to another person;

(3) Level 3 felony if, while committing ~~*any*~~ *the* offense, ~~*described in subsection (a),*~~ the person operates a vehicle in a manner that causes the death *or catastrophic injury* of another person; and

(4) Level 2 felony if, while committing any offense described in subsection (a), the person operates a vehicle in a manner that causes the death *or catastrophic injury* of ~~a~~ **an emergency medical services provider or a** law enforcement officer while the **emergency medical services provider or** law enforcement officer is engaged in the ~~officer's~~ **emergency medical services provider's or officer's** official duties.

~~*(c)*~~ *(d)* If a person uses a vehicle to commit a felony offense under subsection ~~*(b)(1)(B), (b)(2), (b)(3), or (b)(4),*~~ *(c)(1)(B), (c)(2), (c)(3), or (c)(4),* as part of the criminal penalty imposed for the offense, the court shall impose a minimum executed sentence of at least:

(1) thirty (30) days, if the person does not have a prior unrelated conviction under this section;

(2) one hundred eighty (180) days, if the person has one (1) prior unrelated conviction under this section; or

(3) one (1) year, if the person has two (2) or more prior unrelated convictions under this section.

~~*(d)*~~ *(e)* Notwithstanding IC 35-50-2-2.2 and IC 35-50-3-1, the mandatory minimum sentence imposed under subsection ~~*(c)*~~ *(d)* may not be suspended.

~~*(e)*~~ *(f)* If a person is convicted of an offense involving the use of a motor vehicle under:

(1) ~~*subsection (b)(1)(A),*~~ *subsection (c)(1)(A),* if the person exceeded the speed limit by at least twenty (20) miles per hour while committing the offense;

(2) ~~*subsection (b)(2);*~~ *subsection (c)(2);* or

(3) ~~*subsection (b)(3);*~~ *subsection (c)(3);*

the court may notify the bureau of motor vehicles to suspend or revoke the person's driver's license and all certificates of registration and license plates issued or registered in the person's name in accordance with IC 9-30-4-6.1(b)(3) for the period described in IC 9-30-4-6.1(d)(1) or IC 9-30-4-6.1(d)(2). The court shall inform the bureau whether the person has been sentenced to a term of incarceration. At the time of conviction, the court may obtain the person's current driver's license and return the license to the bureau of motor vehicles.

~~*(f)*~~ *(g)* A person may not be charged or convicted of a crime under subsection (a)(3) if the law enforcement officer is a school resource officer acting in the officer's capacity as a school resource officer.

~~*(g)*~~ *(h) A person who commits an offense described in subsection (b) commits a separate offense for each person whose bodily injury, serious bodily injury, catastrophic injury, or death is caused by a violation of subsection (b).*

~~*(h)*~~ *(i) A court may order terms of imprisonment imposed on a person convicted of more than one (1) offense described in subsection (b) to run consecutively. Consecutive terms of imprisonment imposed under this subsection are not subject to the sentencing restrictions set forth in IC 35-50-1-2(c) through IC 35-50-1-2(d).*

~~*(h)*~~ *(j) As used in this subsection, "family member" means a child, grandchild, parent, grandparent, or spouse of the person. It is a defense to a prosecution under subsection (b) that the person reasonably believed that the person's family member:*

(1) was in the marked off area; and

(2) had suffered bodily injury or was at risk of suffering bodily injury;

if the person is not charged as a defendant in connection with the offense, if applicable, that caused the area to be secured by barrier tape or other physical barriers.

P.L.96-2020
[H.1043. Approved March 18, 2020.]

AN ACT to amend the Indiana Code concerning pensions.

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

SECTION 1. IC 5-10.3-6-1.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 1.1. (a) This section applies to a political subdivision that is served by a volunteer fire department.**

(b) The following definitions apply throughout this section:

(1) "Nominal compensation" has the meaning set forth in IC 36-8-12-2.

(2) "Volunteer fire department" has the meaning set forth in IC 36-8-12-2.

(c) The governing body of a political subdivision may adopt an ordinance or resolution specifying the departmental, occupational, or other definable classifications of members of the volunteer fire department that are required to become members of the plan. A political subdivision may become a participant in the plan if the ordinance or resolution is filed with and approved by the board.

(d) The governing body of a political subdivision shall determine the amounts of the contributions that the political subdivision will make on behalf of the eligible members of the volunteer fire department. However, the contributions that are made on behalf of each eligible member of the volunteer fire department in any specified departmental, occupational, or other definable classification must be equal. The governing body of the political subdivision shall specify the amounts of the contributions that the political subdivision will make for each departmental, occupational, or other definable classification of the members of the volunteer fire department in an ordinance or resolution adopted under subsection (c) and in any subsequent ordinance or

resolution that changes the contribution amounts. If the governing body of the political subdivision changes the contribution amounts, the governing body shall file the ordinance or resolution with the board. The new contribution amounts become effective on the later of the date on which the ordinance or resolution is approved by the board or the effective date specified in the resolution.

(e) Contributions made under this section on behalf of the eligible members of a volunteer fire department may not be considered in the computation of nominal compensation for purposes of IC 36-8-12.

SECTION 2. IC 5-10.3-7-12.5, AS AMENDED BY P.L.241-2015, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 12.5. (a) An employer or department shall make the reports, membership records, or payments required by IC 5-10.3-6 or by sections 10 through 12 of this chapter:

(1) not more than thirty (30) days after the end of the calendar quarter, if applicable;

(2) by another due date specified in section 10 of this chapter; or

(3) by an alternate due date established by the rules of the board.

(b) If the employer or department does not make the reports, records, or payments within the time specified in subsection (a):

(1) the board may fine the employer or department one hundred dollars ($100) for each additional day that the reports, records, or payments are late, to be withheld under IC 5-10.3-6-7; and

(2) if the employer or department is habitually late, as determined by the board, the board shall report the employer or the department to the auditor of state for additional withholding under IC 5-10.3-6-7.

(c) ~~After December 31, 2009,~~ An employer or department shall submit:

(1) the reports and records described in subsection (a) in a uniform format through a secure connection over the Internet or through other electronic means specified by the board in accordance with IC 5-10.2-2-12.5; and

(2) both:

(A) employer contributions determined under IC 5-10.2-2-11, IC 5-10.3-12-24, ~~or~~ IC 5-10.3-12-24.5, **or IC 5-10.3-12-24.7;** and

(B) contributions paid by or on behalf of a member under section 9 of this chapter or IC 5-10.3-12-23;

by electronic funds transfer in accordance with IC 5-10.2-2-12.5.

SECTION 3. IC 5-10.3-12-1, AS AMENDED BY P.L.209-2016, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1. (a) Except as otherwise provided in this section, this chapter applies to the following:

(1) An individual who:

(A) on or after the effective date of the plan, becomes for the first time a full-time employee of the state:

(i) in a position that would otherwise be eligible for membership in the fund under IC 5-10.3-7; and

(ii) who is paid by the auditor of state by salary warrants; and

(B) makes the election described in section 20 of this chapter to become a member of the plan.

(2) An individual:

(A) who becomes a full-time employee of a participating political subdivision in a covered position after an ordinance or resolution described in clause (C) that is adopted by the political subdivision has been approved by the board;

(B) who would otherwise be eligible for membership in the fund under IC 5-10.3-7; and

(C) who is employed by a political subdivision that has elected in an ordinance or resolution adopted under IC 5-10.3-6-1 and approved by the board to require an employee in the covered position to become a member of the plan.

(3) An individual:

(A) who becomes a full-time employee of a political subdivision in a covered position after an ordinance or resolution described in clause (C) that is adopted by the political subdivision has been approved by the board;

(B) who would otherwise be eligible for membership in the fund under IC 5-10.3-7;

(C) who is employed by a political subdivision that has elected in an ordinance or resolution adopted under IC 5-10.3-6-1 and approved by the board:

(i) to allow an employee in the covered position to become a member of the fund or a member of the plan at the discretion of the employee; and

(ii) to require an employee in a covered position to make an election under section 20.5 of this chapter in order to become a member of the plan; and

(D) who makes an election under section 20.5 of this chapter to become a member of the plan.

(4) An individual:

(A) who becomes a full-time employee of a political subdivision in a covered position after an ordinance or resolution described in clause (C) that is adopted by the political subdivision has been approved by the board;

(B) who would otherwise be eligible for membership in the fund under IC 5-10.3-7;

(C) who is employed by a political subdivision that has elected in an ordinance or resolution adopted under IC 5-10.3-6-1 and approved by the board:

(i) to allow an employee in the covered position to become a member of the fund or a member of the plan at the discretion of the employee; and

(ii) to require an employee to make an election under IC 5-10.3-7-1.1 in order to become a member of the fund; and

(D) who does not make an election under IC 5-10.3-7-1.1 to become a member of the fund.

(5) An individual who makes an election described in section 20.3 of this chapter.

(6) An individual:

(A) who is a retired member (as defined in IC 5-10.3-1-5) of the fund;

(B) who is prohibited from making contributions to the fund under IC 5-10.2-4-8(e) during a period of reemployment that begins more than thirty (30) days after the member retired; and

(C) who, on or after the date:

(i) the state files a notice; or

(ii) a participating political subdivision files an adopted ordinance or resolution;

with the board in accordance with section 32 of this chapter, begins, or is engaged in, a period of reemployment with the state or a participating political subdivision as a full-time employee more than thirty (30) days after the individual's retirement in a position that would otherwise be covered by the fund.

(7) An individual who becomes a member of a volunteer fire department in a covered position after a political subdivision served by the volunteer fire department has elected in an ordinance or resolution adopted under IC 5-10.3-6-1.1 and approved by the board to require an individual in the covered position to become a member of the plan.

(b) Except as provided in subsection (c), this chapter does not apply to an individual who, on or after the effective date of the plan:

(1) becomes for the first time a full-time employee of the state in a position that would otherwise be eligible for membership in the fund under IC 5-10.3-7; and

(2) is employed by:

(A) a body corporate and politic of the state created by state statute; or

(B) a state educational institution (as defined in IC 21-7-13-32).

(c) The chief executive officer of a body or institution described in subsection (b) may elect, by submitting a written notice of the election to the director, to have this chapter apply to individuals who, as employees of the body or institution, become for the first time full-time employees of the state in positions that would otherwise be eligible for membership in the fund under IC 5-10.3-7. An election under this subsection is effective on the later of:

(1) the date the notice of the election is received by the director; or

(2) March 1, 2013.

SECTION 4. IC 5-10.3-12-15.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 15.5. As used in this chapter, "volunteer fire department" has the meaning set forth in IC 36-8-12-2.**

SECTION 5. IC 5-10.3-12-23, AS AMENDED BY P.L.241-2015, SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 23. **(a) This section does not apply to a member of the plan described in section 1(a)(7) of this chapter with respect to the member's service with a volunteer fire department.**

~~(a)~~ **(b)** Each member's contribution to the plan is equal to three percent (3%) of the member's compensation.

~~(b)~~ **(c)** For a member who is an employee of the state, the state shall pay the member's contribution on behalf of the member each year.

~~(c)~~ **(d)** For a member who is an employee of a political subdivision, the political subdivision may pay all or part of the member's contribution on behalf of the member.

~~(d)~~ **(e)** To the extent permitted by the Internal Revenue Code and applicable regulations, a member of the plan may make contributions to the plan in addition to the contribution required under subsection ~~(a).~~ **(b).** IC 5-10.2-3-2(c) and IC 5-10.2-3-2(d) govern additional contributions made under this subsection.

~~(e)~~ **(f)** Member contributions will be credited to the member's account as specified in IC 5-10.2-3.

~~(f)~~ **(g)** Although designated as employee contributions, the contributions made under subsection ~~(b)~~ **(c)** are picked up and paid by the state as the employer in lieu of the contributions being paid by the employee in accordance with Section 414(h)(2) of the Internal Revenue Code.

~~(g)~~ **(h)** Although designated as employee contributions, the contributions made under subsection ~~(c)~~ **(d)** by a political subdivision may be picked up and paid by the employer instead of the contributions being paid by the employee in accordance with Section 414(h)(2) of the Internal Revenue Code.

~~(h)~~ **(i)** A member may not receive any amounts paid by an employer under this section directly instead of having the amounts paid to the plan.

SECTION 6. IC 5-10.3-12-24.5, AS ADDED BY P.L.241-2015, SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 24.5. **(a) This section does not apply to a participating political subdivision's contributions for an individual described in section 1(a)(7) of this chapter with respect to the individual's service with a volunteer fire department.**

~~(a)~~ **(b)** A participating political subdivision shall make employer contributions to the plan based on the rate determined under this section.

~~(b)~~ **(c)** A participating political subdivision's contribution rate for the plan is equal to the sum of:

(1) the contribution rate determined by the participating political subdivision under IC 5-10.3-6-1(c); and

(2) the sum, for each member employed by the participating political subdivision, of:

(A) the member's additional contribution to the plan under section ~~23(d)~~ **23(e)** of this chapter; multiplied by

(B) the participating political subdivision's matching rate determined under IC 5-10.3-6-1(d).

~~(c)~~ **(d)** For each employee of a participating political subdivision, the amount credited to the member's account is the part of the employer's contribution determined under subsection ~~(b)~~ **(c)** that is attributable to the member's compensation and the member's additional contributions.

~~(d)~~ **(e)** A participating political subdivision shall submit the employer contributions determined under this section as provided in IC 5-10.2-2-12.5.

SECTION 7. IC 5-10.3-12-24.7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 24.7. (a) This section applies to a participating political subdivision's contributions for an individual described in section 1(a)(7) of this chapter with respect to the individual's service with a volunteer fire department.**

(b) The governing body of a participating political subdivision shall determine the participating political subdivision's contribution to the plan for individuals described in section 1(a)(7) of this chapter with respect to the individual's service with the volunteer fire department in accordance with IC 5-10.3-6-1.1.

(c) For each individual described in section 1(a)(7) of this chapter for whom the participating political subdivision makes a contribution under this section, the amount credited to the member's account is the entire amount of the contribution that is made on behalf of the individual. No part of a contribution made

on behalf of the individual under this section may be paid into the fund.

(d) A participating political subdivision shall submit the employer contributions determined under this section as provided in IC 5-10.2-2-12.5.

SECTION 8. IC 36-8-8-7, AS AMENDED BY P.L.27-2019, SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 7. (a) Subject to IC 36-8-4.7 and except as provided in subsections (d), (e), (f), (g), (h), (k), (l), and (m):

(1) a police officer **who is less than forty (40) years of age;** or

(2) a firefighter **who is less than thirty-six (36) years of age;** ~~who is less than thirty-six (36) years of age and~~ who passes the baseline statewide physical and mental examinations required under section 19 of this chapter shall be a member of the 1977 fund and is not a member of the 1925 fund, the 1937 fund, or the 1953 fund.

(b) A police officer or firefighter with service before May 1, 1977, who is hired or rehired after April 30, 1977, may receive credit under this chapter for service as a police officer or firefighter prior to entry into the 1977 fund if the employer who rehires the police officer or firefighter chooses to contribute to the 1977 fund the amount necessary to amortize the police officer's or firefighter's prior service liability over a period of not more than thirty (30) years, the amount and the period to be determined by the system board. If the employer chooses to make the contributions, the police officer or firefighter is entitled to receive credit for the police officer's or firefighter's prior years of service without making contributions to the 1977 fund for that prior service. In no event may a police officer or firefighter receive credit for prior years of service if the police officer or firefighter is receiving a benefit or is entitled to receive a benefit in the future from any other public pension plan with respect to the prior years of service.

(c) Except as provided in section 18 of this chapter, a police officer or firefighter is entitled to credit for all years of service after April 30, 1977, with the police or fire department of an employer covered by this chapter.

(d) A police officer or firefighter with twenty (20) years of service does not become a member of the 1977 fund and is not covered by this chapter, if the police officer or firefighter:

(1) was hired before May 1, 1977;

(2) did not convert under IC 19-1-17.8-7 or IC 19-1-36.5-7 (both of which were repealed September 1, 1981); and

(3) is rehired after April 30, 1977, by the same employer.

(e) A police officer or firefighter does not become a member of the 1977 fund and is not covered by this chapter if the police officer or firefighter:

(1) was hired before May 1, 1977;

(2) did not convert under IC 19-1-17.8-7 or IC 19-1-36.5-7 (both of which were repealed September 1, 1981);

(3) was rehired after April 30, 1977, but before February 1, 1979; and

(4) was made, before February 1, 1979, a member of a 1925, 1937, or 1953 fund.

(f) A police officer or firefighter does not become a member of the 1977 fund and is not covered by this chapter if the police officer or firefighter:

(1) was hired by the police or fire department of a unit before May 1, 1977;

(2) did not convert under IC 19-1-17.8-7 or IC 19-1-36.5-7 (both of which were repealed September 1, 1981);

(3) is rehired by the police or fire department of another unit after December 31, 1981; and

(4) is made, by the fiscal body of the other unit after December 31, 1981, a member of a 1925, 1937, or 1953 fund of the other unit.

If the police officer or firefighter is made a member of a 1925, 1937, or 1953 fund, the police officer or firefighter is entitled to receive credit for all the police officer's or firefighter's years of service, including years before January 1, 1982.

(g) As used in this subsection, "emergency medical services" and "emergency medical technician" have the meanings set forth in IC 16-18-2-110 and IC 16-18-2-112. A firefighter who:

(1) is employed by a unit that is participating in the 1977 fund;

(2) was employed as an emergency medical technician by a political subdivision wholly or partially within the department's jurisdiction;

(3) was a member of the public employees' retirement fund during the employment described in subdivision (2); and

(4) ceased employment with the political subdivision and was hired by the unit's fire department due to the reorganization of emergency medical services within the department's jurisdiction;

shall participate in the 1977 fund. A firefighter who participates in the 1977 fund under this subsection is subject to sections 18 and 21 of this chapter.

(h) A police officer or firefighter does not become a member of the 1977 fund and is not covered by this chapter if the individual was appointed as:

(1) a fire chief under a waiver under IC 36-8-4-6(c); or

(2) a police chief under a waiver under IC 36-8-4-6.5(c);

unless the executive of the unit requests that the 1977 fund accept the individual in the 1977 fund and the individual previously was a member of the 1977 fund.

(i) A police matron hired or rehired after April 30, 1977, and before July 1, 1996, who is a member of a police department in a second or third class city on March 31, 1996, is a member of the 1977 fund.

(j) A park ranger who:

(1) completed at least the number of weeks of training at the Indiana law enforcement academy or a comparable law enforcement academy in another state that were required at the time the park ranger attended the Indiana law enforcement academy or the law enforcement academy in another state;

(2) graduated from the Indiana law enforcement academy or a comparable law enforcement academy in another state; and

(3) is employed by the parks department of a city having a population of more than one hundred ten thousand (110,000) but less than one hundred fifty thousand (150,000);

is a member of the fund.

(k) Notwithstanding any other provision of this chapter, a police officer or firefighter:

(1) who is a member of the 1977 fund before a consolidation under IC 36-3-1-5.1 or IC 36-3-1-6.1;

(2) whose employer is consolidated into the consolidated law enforcement department or the fire department of a consolidated city under IC 36-3-1-5.1 or IC 36-3-1-6.1; and

(3) who, after the consolidation, becomes an employee of the consolidated law enforcement department or the consolidated fire department under IC 36-3-1-5.1 or IC 36-3-1-6.1;

is a member of the 1977 fund without meeting the requirements under sections 19 and 21 of this chapter.

(l) Notwithstanding any other provision of this chapter, if:

(1) before a consolidation under IC 8-22-3-11.6, a police officer or firefighter provides law enforcement services or fire protection services for an entity in a consolidated city;

(2) the provision of those services is consolidated into the law enforcement department or fire department of a consolidated city; and

(3) after the consolidation, the police officer or firefighter becomes an employee of the consolidated law enforcement department or the consolidated fire department under IC 8-22-3-11.6;

the police officer or firefighter is a member of the 1977 fund without meeting the requirements under sections 19 and 21 of this chapter.

(m) A police officer or firefighter who is a member of the 1977 fund under subsection (k) or (l) may not be:

(1) retired for purposes of section 10 of this chapter; or

(2) disabled for purposes of section 12 of this chapter;

solely because of a change in employer under the consolidation.

(n) Notwithstanding any other provision of this chapter and subject to subsection (o), a police officer or firefighter who:

(1) is an active member of the 1977 fund with an employer that participates in the 1977 fund;

(2) separates from that employer; and

(3) not later than one hundred eighty (180) days after the date of the separation described in subdivision (2), becomes employed as a full-time police officer or firefighter with the same or a second employer that participates in the 1977 fund;

is a member of the 1977 fund without meeting for a second time the age limitation under subsection (a) and the requirements under sections 19 and 21 of this chapter. A police officer or firefighter to whom this subsection applies is entitled to receive credit for all years of 1977 fund covered service as a police officer or firefighter with all employers that participate in the 1977 fund.

(o) The one hundred eighty (180) day limitation described in subsection (n)(3) does not apply to a member of the 1977 fund who is eligible for reinstatement under IC 36-8-4-11.

(p) Notwithstanding any other provision of this chapter, a veteran who is:

(1) described in IC 36-8-4.7; and

(2) employed as a firefighter or police officer;

is a member of the 1977 fund.

SECTION 9. IC 36-8-12-6, AS AMENDED BY P.L.174-2009, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 6. (a) Each unit that has a volunteer fire department shall procure insurance in the name of and for the benefit of each member of the department. However, if a contract or agreement exists between a unit and a volunteer fire department, the contract or agreement must provide for insurance of the volunteer firefighters and emergency medical services personnel in the department in the amounts and with the coverages required by this chapter. Unless the contract or agreement stipulates otherwise, all insurance coverage must be under a group plan, rather than in the name of each individual firefighter and member of the emergency medical services personnel. Either the unit or the volunteer fire department, according to the contractor agreement, may undertake procurement of required insurance, but in either case, the costs of coverage must be borne by the unit. If a volunteer fire department serves more than one (1) unit under a contract or agreement, each unit that the department serves shall pay the amount for the insurance coverage determined under the following formula:

STEP ONE: For each census block or other area in a unit that is served by more than one (1) volunteer fire department, divide the population of the area by the number of volunteer fire departments serving the area, and round the quotient to the nearest one thousandth (.001).

STEP TWO: Add the quotients determined under STEP ONE for the unit.

STEP THREE: Determine the sum of the STEP TWO amounts for all of the units served by the same volunteer fire department.

STEP FOUR: Divide the STEP TWO amount for a unit by the STEP THREE amount and round the quotient to the nearest one thousandth (.001).

STEP FIVE: Multiply the costs of the insurance coverage for the volunteer fire department by the quotient determined under STEP FOUR, rounded to the nearest dollar.

(b) A diminution of insurance benefits may not occur under this section because of a change in the insurance carrier or a change as to who actually procures the required insurance.

(c) Each unit that has a volunteer fire department may procure an insurance policy for the benefit of auxiliary groups whose members could be injured while assisting the volunteer firefighters and emergency medical services personnel in the performance of their duties.

(d) Each unit that has a volunteer fire department may procure an insurance policy or any other type of instrument that provides retirement benefits as an incentive to volunteer firefighters and emergency medical services personnel for continued service.

(e) An insurance policy or other instrument containing any of the provisions authorized by subsection (d) may not be considered in the computation of nominal compensation for purposes of this chapter.

(f) A volunteer firefighter or member of the emergency medical services personnel who becomes covered by an insurance policy or other instrument containing any of the provisions authorized by subsection (d) does not thereby become eligible for membership in the public employees' retirement fund under IC 5-10.3.

(g) If a unit fails to provide the insurance for a volunteer firefighter or member of the emergency medical services personnel that this chapter requires it to provide, and a volunteer firefighter or member of the emergency medical services personnel suffers a loss of the type that the insurance would have covered, then the unit shall pay to that volunteer firefighter or member of the emergency medical services personnel the same amount of money that the insurance would have paid to the volunteer firefighter or member of the emergency medical services personnel.

(h) A unit's obligation under this section supersedes any obligation that another medical insurance carrier has to pay the

expenses of the volunteer firefighter or member of the emergency medical services personnel.

P.L.97-2020
[H.1045. Approved March 18, 2020.]

AN ACT to amend the Indiana Code concerning military and veterans.

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

SECTION 1. IC 1-1-14.5 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 14.5. Honor and Remember Flag

Sec. 1. As used in this chapter, "Honor and Remember flag" means the Honor and Remember, Inc., flag.

Sec. 2. The Honor and Remember flag is designated as the symbol of our state's concern and commitment to honor and remember the lives of all members of the United States armed forces who lost their lives while serving or as a result of service in the armed forces of the United States and their families.

Sec. 3. The symbolism of the Honor and Remember flag is as follows:

(1) The red field represents the blood spilled by brave men and women in America's military throughout our history, who willingly gave their lives so that we all would remain free.

(2) The white border beneath and surrounding the gold star recognizes the purity of that sacrifice. There is no greater price an American can pay than to give his or her life in service to our country.

(3) The blue star represents active service in military conflict. This symbol originated in World War I, but on this flag it signifies service through all generations from the American Revolution to present day.

(4) The gold star signifies the ultimate sacrifice as a warrior in active service who will not return home. The gold color reflects the value of the life given.

(5) The folded flag signifies the final tribute to an individual life that a family sacrificed and gave to the nation.

(6) The flame is an eternal reminder of the spirit that has departed this life yet burns on in the memory of all who knew and loved the fallen hero.

Sec. 4. The Honor and Remember flag may be displayed at:

(1) each state office building;

(2) the Indiana state veterans' cemetery established by IC 10-17-11-4; and

(3) each veterans cemetery managed by the Indiana department of veterans' affairs;

and at all levels of government during the entire month of May annually.

Sec. 5. The Honor and Remember flag may be displayed at any of the entities listed in section 4 of this chapter at any time.

SECTION 2. **An emergency is declared for this act.**

P.L.98-2020
[H.1059. Approved March 18, 2020.]

AN ACT to amend the Indiana Code concerning taxation.

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

SECTION 1. IC 6-2.5-2-5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 5. (a) As used in this section, "cargo trailer" has the meaning set forth in IC 6-2.5-5-39.**

(b) As used in this section, "nonreciprocal state" means a state that does not provide an exemption from sales, use, or similar taxes imposed on a cargo trailer or recreational vehicle that is purchased in that state or country by an Indiana resident and will be titled or registered in Indiana.

(c) As used in this section, "recreational vehicle" has the meaning set forth in IC 6-2.5-5-39.

(d) Notwithstanding section 2 of this chapter, in the case of a transaction that:

(1) is not exempt from taxation under IC 6-2.5-5-39; and

(2) involves a cargo trailer or recreational vehicle that:

(A) is purchased by a:

(i) resident of a nonreciprocal state; or

(ii) resident of a foreign country;

(B) the purchaser intends to:

(i) transport to a destination outside Indiana within thirty (30) days after delivery; and

(ii) title or register for use in the nonreciprocal state or foreign country; and

(C) will not be titled or registered for use in Indiana;

the state gross retail tax rate on the cargo trailer or recreational vehicle is the rate of the nonreciprocal state or foreign country (excluding any locally imposed tax rates) in which the cargo trailer

or recreational vehicle will be titled or registered, as certified by the seller and purchaser in an affidavit satisfying the requirements of subsection (e).

(e) The department shall prescribe the form of the affidavit required by subsection (d). In addition to the certification required by subsection (d), the affidavit must include the following:

(1) The name of the state or country in which the cargo trailer or recreational vehicle will be titled or registered.

(2) An affirmation by the purchaser under the penalties for perjury that the information contained in the affidavit is true.

(3) Any other information required by the department for the purpose of verifying the information contained in the affidavit.

(f) The department shall create a certificate of sales tax paid form for a cargo trailer or recreational vehicle that may be completed by the dealer and provided to the purchaser of a cargo trailer or recreational vehicle sold in Indiana.

(g) The department may audit affidavits submitted under this section and make a proposed assessment of the amount of unpaid tax due with respect to any incorrect information submitted in an affidavit required by this section.

SECTION 2. IC 6-2.5-10-6 IS REPEALED [EFFECTIVE JULY 1, 2020]. ~~Sec. 6. The department, with the approval of the governor and the budget agency after the review of the state budget committee, may enter into an agreement with another state to provide that:~~

~~(1) Indiana residents who purchase a cargo trailer or recreational vehicle in the other state and will title or register the cargo trailer or recreational vehicle in Indiana will be exempt from sales, use, or similar taxes in the other state on the purchase of the cargo trailer or recreational vehicle; and~~

~~(2) the residents of the other state who purchase a cargo trailer or recreational vehicle in Indiana and will title or register the cargo trailer or recreational vehicle in the other state will be exempt from sales, use, or similar taxes in Indiana on the purchase of the cargo trailer or recreational vehicle.~~

SECTION 3. [EFFECTIVE JULY 1, 2020] **(a) IC 6-2.5-2-5, as added by this act, applies only to retail transactions occurring after June 30, 2020.**

(b) Except as provided in subsection (c), a retail transaction is considered to have occurred after June 30, 2020, if the property whose transfer constitutes selling at retail is delivered to the purchaser or to the place of delivery designated by the purchaser after June 30, 2020.

(c) Notwithstanding the delivery of the property constituting selling at retail after June 30, 2020, a transaction is considered to have occurred before July 1, 2020, to the extent that:

(1) the agreement of the parties to the transaction is entered into before July 1, 2020; and

(2) payment for the property furnished in the transaction is made before July 1, 2020.

(d) This SECTION expires January 1, 2021.

P.L.99-2020
[H.1063. Approved March 18, 2020.]

AN ACT to amend the Indiana Code concerning pensions.

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

SECTION 1. IC 5-10-9.8-1, AS ADDED BY P.L.40-2017, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1. The following definitions apply throughout this chapter:

(1) "Board" refers to the board of trustees of the Indiana public retirement system.

(2) "Employer" means an employer of ~~a state employee (as defined in IC 5-10-11-3).~~ **an employee that may receive a lump sum death benefit under a statute identified in section 2(a) of this chapter.**

(3) "Fund" refers to the special death benefit fund established by section 2 of this chapter.

SECTION 2. IC 5-10-9.8-2, AS ADDED BY P.L.40-2017, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 2. (a) The special death benefit fund is established for the purpose of paying lump sum death benefits under the following statutes:

(1) IC 5-10-10.
(2) IC 5-10-11.
(3) IC 10-12-6.
(4) IC 36-8-6-20.
(5) IC 36-8-7-26.
(6) IC 36-8-7.5-22.
(7) IC 36-8-8-20.

(b) The fund consists of:

(1) appropriations by the general assembly;
(2) fees remitted to the board under IC 35-33-8-3.2, ~~and~~ IC 5-10-10-4.5, **IC 5-10-10-4.8, and IC 5-10-10-4.9;**
(3) contributions from employers;
(4) gifts; and
(5) interest or other investment income earned on money in the fund.

(c) The fund shall be administered by the board. The expenses of administering the fund shall be paid from money in the fund.

(d) The board shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as the board's other 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.

SECTION 3. IC 5-10-9.8-2.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 2.5. (a) The board shall determine contributions and contribution rates for individual employers or for a group of employers necessary to adequately maintain the fund.**

(b) The board shall deposit any contributions received under this section in the fund.

SECTION 4. IC 5-10-10-4.5, AS AMENDED BY P.L.179-2018, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 4.5. (a) As used in this section, "eligible officer" means a police officer or firefighter whose employer purchases coverage under this section.

(b) As used in this section, "employer" means:

(1) with respect to a police officer:

(A) a postsecondary educational institution, other than a state educational institution, that appoints a police officer under IC 21-17-5; or

(B) an operator that employs the police officer under IC 8-22-3-34(b); or

(2) with respect to a firefighter:

(A) a postsecondary educational institution, other than a state educational institution, located in Indiana that:

(i) maintains a fire department;

(ii) employs firefighters for the fire department; and

(iii) is accredited by the North Central Association; or

(B) an operator that enters into an operating agreement under IC 5-23 for the operation of a public use airport that:

(i) maintains a fire department; and

(ii) employs firefighters for the fire department.

(c) If an employer purchases coverage for an eligible officer, the eligible officer is eligible for a special death benefit from the fund in the same manner that any other public safety officer is eligible for a special death benefit from the fund. The cost of the coverage shall be one hundred dollars ($100) for each eligible officer annually. The cost of the coverage shall be paid to the board for deposit in the fund. **The cost of coverage required by this subsection is in addition to the contribution determined by the board under IC 5-10-9.8-2.5.**

(d) If an employer elects to provide coverage under this section, the employer must purchase coverage for all eligible officers of the employer. An employer that elects to purchase coverage under this section must purchase coverage by making annual payments as prescribed by the board.

SECTION 5. IC 5-10-10-4.8, AS AMENDED BY P.L.193-2016, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 4.8. (a) As used in this section, "eligible

emergency medical services provider" means an emergency medical services provider who is employed by a person that has contracted with a political subdivision to provide emergency medical services for the political subdivision.

(b) As used in this section, "emergency medical services" has the meaning set forth in IC 16-49-1-5.

(c) As used in this section, "emergency medical services provider" has the meaning set forth in IC 16-41-10-1.

(d) As used in this section, "political subdivision" has the meaning set forth in IC 36-1-2-13.

(e) If an employer purchases coverage for an eligible emergency medical services provider, the eligible emergency medical services provider who dies as a direct result of personal injury or illness resulting from the eligible emergency medical services provider's performance of duties under a contract entered into by the emergency medical services provider's employer to provide emergency medical services for a political subdivision is eligible for a special death benefit from the fund in the same manner as any other public safety officer is eligible for a benefit from the fund. The cost of the coverage must be one hundred dollars ($100) annually for each eligible emergency medical services provider paid by the emergency medical services provider's employer. The cost of the coverage shall be paid to the board for deposit into the fund. **The cost of coverage required by this subsection is in addition to the contribution determined by the board under IC 5-10-9.8-2.5.**

(f) If an employer elects to provide coverage under this section, the employer must purchase coverage for all eligible emergency medical services providers of the employer. An employer who elects to purchase coverage under this section must purchase coverage by making annual payments as prescribed by the board.

SECTION 6. IC 5-10-10-4.9, AS AMENDED BY P.L.179-2018, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 4.9. (a) As used in this section, "eligible emergency medical services provider" means an emergency medical services provider whose employer purchases coverage under this section.

(b) As used in this section, "emergency medical services provider" has the meaning set forth in IC 16-41-10-1.

(c) As used in this section, "employer" means a health care system affiliated with a state educational institution that:

(1) maintains an air ambulance services provider; and

(2) employs emergency medical services providers for the air ambulance services provider.

(d) If an employer purchases coverage for an eligible emergency medical services provider, the eligible emergency medical services provider is eligible for a special death benefit from the fund in the same manner that any other public safety officer is eligible for a special death benefit from the fund. The cost of the coverage must be one hundred dollars ($100) for each eligible emergency medical services provider annually. The cost of the coverage shall be paid to the board for deposit into the fund. **The cost of coverage required by this subsection is in addition to the contribution determined by the board under IC 5-10-9.8-2.5.**

(e) If an employer elects to provide coverage under this section, the employer must purchase coverage for all eligible emergency medical services providers of the employer. An employer that elects to purchase coverage under this section must purchase coverage by making annual payments as prescribed by the board.

SECTION 7. IC 5-10-10-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 6. (a) Except as provided in subsection (b), a special death benefit of ~~seventy-five thousand dollars ($75,000) for a public safety officer who dies in the line of duty before January 1, 1998, and~~ one hundred fifty thousand dollars ($150,000) for a public safety officer who dies in the line of duty ~~after December 31, 1997,~~ **before July 1, 2020, and two hundred twenty-five thousand dollars ($225,000) for a public safety officer who dies in the line of duty after June 30, 2020,** shall be paid in a lump sum from the fund to the following relative of a public safety officer who dies in the line of duty:

(1) To the surviving spouse.

(2) If there is no surviving spouse, to the surviving children (to be shared equally).

(3) If there is no surviving spouse and there are no surviving children, to the parent or parents in equal shares.

(b) If the fund would be reduced below two hundred fifty thousand dollars ($250,000) by payment in full of all claims that become final in any month, the board shall proceed as follows:

(1) The board shall suspend payment of the claims that become final during that month and the following two (2) months.

(2) At the end of the suspension period, the board shall pay all suspended claims. If the fund would be exhausted by payment in full of all suspended claims, the amount paid to each claimant shall be prorated.

SECTION 8. IC 10-12-6-2, AS AMENDED BY P.L.40-2017, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 2. A special death benefit of one hundred fifty thousand dollars ($150,000) for a motor carrier inspector or special police employee who dies in the line of duty **before July 1, 2020, and two hundred twenty-five thousand dollars ($225,000) for a motor carrier inspector or special police employee who dies in the line of duty after June 30, 2020,** shall be paid in a lump sum from the special death benefit fund established under IC 5-10-9.8 to the following relative of a motor carrier inspector or special police employee who dies in the line of duty:

(1) The surviving spouse.

(2) If there is no surviving spouse, the surviving children (to be shared equally).

(3) If there is no surviving spouse and there are no surviving children, the parent or parents in equal shares.

SECTION 9. IC 36-8-6-20, AS AMENDED BY P.L.40-2017, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 20. (a) As used in this section, "dies in the line of duty" has the meaning set forth in section 10.1 of this chapter.

(b) A special death benefit of ~~seventy-five thousand dollars ($75,000) for a fund member who dies in the line of duty before January 1, 1998, and~~ one hundred fifty thousand dollars ($150,000) for a fund member who dies in the line of duty ~~after December 31, 1997,~~ **before July 1, 2020, and two hundred twenty-five thousand dollars ($225,000) for a fund member who dies in the line of duty after June 30, 2020,** shall be paid in a lump sum by the Indiana public retirement system from the special death benefit fund established under

IC 5-10-9.8 to the following relative of a fund member who dies in the line of duty:

(1) To the surviving spouse.

(2) If there is no surviving spouse, to the surviving children (to be shared equally).

(3) If there is no surviving spouse and there are no surviving children, to the parent or parents in equal shares.

(c) The benefit provided by this section is in addition to any other benefits provided under this chapter.

SECTION 10. IC 36-8-7-26, AS AMENDED BY P.L.40-2017, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 26. (a) As used in this section, "dies in the line of duty" has the meaning set forth in section 12.4 of this chapter.

(b) A special death benefit of ~~seventy-five thousand dollars ($75,000) for a fund member who dies in the line of duty before January 1, 1998, and~~ one hundred fifty thousand dollars ($150,000) for a fund member who dies in the line of duty ~~after December 31, 1997,~~ **before July 1, 2020, and two hundred twenty-five thousand dollars ($225,000) for a fund member who dies in the line of duty after June 30, 2020,** shall be paid in a lump sum by the Indiana public retirement system from the special death benefit fund established under IC 5-10-9.8 to the following relative of a fund member who dies in the line of duty:

(1) To the surviving spouse.

(2) If there is no surviving spouse, to the surviving children (to be shared equally).

(3) If there is no surviving spouse and there are no surviving children, to the parent or parents in equal shares.

(c) The benefit provided by this section is in addition to any other benefits provided under this chapter.

SECTION 11. IC 36-8-7.5-22, AS AMENDED BY P.L.40-2017, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 22. (a) As used in this section, "dies in the line of duty" has the meaning set forth in section 14.1 of this chapter.

(b) A special death benefit of ~~seventy-five thousand dollars ($75,000) for a fund member who dies in the line of duty before January 1, 1998, and~~ one hundred fifty thousand dollars ($150,000) for a fund member who dies in the line of duty ~~after December 31, 1997,~~

before July 1, 2020, and two hundred twenty-five thousand dollars ($225,000) for a fund member who dies in the line of duty after June 30, 2020, shall be paid in a lump sum by the Indiana public retirement system from the special death benefit fund established under IC 5-10-9.8 to the following relative of a fund member who dies in the line of duty:

(1) To the surviving spouse.

(2) If there is no surviving spouse, to the surviving children (to be shared equally).

(3) If there is no surviving spouse and there are no surviving children, to the parent or parents in equal shares.

(c) The benefit provided by this section is in addition to any other benefits provided under this chapter.

SECTION 12. IC 36-8-8-20, AS AMENDED BY P.L.40-2017, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 20. (a) As used in this section, "dies in the line of duty" has the meaning set forth in section 14.1 of this chapter.

(b) Benefits paid under this section are subject to section 2.5 of this chapter.

(c) A special death benefit of ~~seventy-five thousand dollars ($75,000) for a fund member who dies in the line of duty before January 1, 1998, and~~ one hundred fifty thousand dollars ($150,000) for a fund member who dies in the line of duty ~~after December 31, 1997,~~ **before July 1, 2020, and two hundred twenty-five thousand dollars ($225,000) for a fund member who dies in the line of duty after June 30, 2020,** shall be paid in a lump sum by the Indiana public retirement system from the special death benefit fund established under IC 5-10-9.8 to the following relative of a fund member who dies in the line of duty:

(1) To the surviving spouse.

(2) If there is no surviving spouse, to the surviving children (to be shared equally).

(3) If there is no surviving spouse and there are no surviving children, to the parent or parents in equal shares.

(d) The benefit provided by this section is in addition to any other benefits provided under this chapter.

P.L.100-2020
[H.1070. Approved March 18, 2020.]

AN ACT to amend the Indiana Code concerning motor vehicles.

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

SECTION 1. IC 9-13-2-177.4 IS REPEALED [EFFECTIVE JULY 1, 2020]. ~~Sec. 177.4. "Text message", for purposes of IC 9-21-8, has the meaning set forth in IC 9-21-8-0.5.~~

SECTION 2. IC 9-21-8-0.5, AS AMENDED BY P.L.185-2018, SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 0.5. The following definitions apply throughout this chapter:

(1) "Solid waste hauler" means a vehicle in which solid waste or recyclable materials are transported to a:

(A) transfer station for further transport to a final disposal facility;

(B) final disposal facility; or

(C) materials recovery facility.

~~(2) "Text message" means a communication in the form of electronic text sent from a telecommunications device.~~

~~(3)~~ **(2)** "Vehicle platoon" means a group of motor vehicles that are traveling in a unified manner under electronic coordination at speeds and following distances that are faster and closer than would be reasonable and prudent without electronic coordination.

SECTION 3. IC 9-21-8-59, AS AMENDED BY P.L.191-2014, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 59. (a) **Except as provided in subsections (b) and (c),** a person may not **hold or** use a telecommunications device ~~to:~~

~~(1) type a text message or an electronic mail message;~~

~~(2) transmit a text message or an electronic mail message; or~~

~~(3) read a text message or an electronic mail message;~~

while operating a moving motor vehicle. ~~unless the device is used in conjunction with hands free or voice operated technology, or unless the device is used to call 911 to report a bona fide emergency.~~

(b) A telecommunications device may be used in conjunction with hands free or voice operated technology.

(c) A telecommunications device may be used or held to call 911 to report a bona fide emergency.

~~(b)~~ **(d)** A police officer may not, without the consent of the person:

(1) confiscate a telecommunications device for the purpose of determining compliance with this section;

(2) confiscate a telecommunications device and retain it as evidence pending trial for a violation of this section; or

(3) extract or otherwise download information from a telecommunications device for a violation of this section unless:

(A) the police officer has probable cause to believe that the telecommunications device has been used in the commission of a crime;

(B) the information is extracted or otherwise downloaded under a valid search warrant; or

(C) otherwise authorized by law.

(e) The bureau may not assess points under the point system for a violation of this section occurring before July 1, 2021.

ACTS 2020

Laws enacted by the

121st GENERAL ASSEMBLY

at the

SECOND REGULAR SESSION
(2020)

VOLUME II

(P.L.101-2020 through P.L146-2020)

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

Office of Code Revision
Legislative Services Agency

P.L.101-2020
[H.1077. Approved March 18, 2020.]

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

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

SECTION 1. IC 25-1-6.5-3, AS ADDED BY P.L.249-2019, SECTION 46, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 3. ~~Except as provided in IC 25-14-1-2 and IC 25-34.1-2-1 and~~ Notwithstanding any other law, not more than two (2) board members may be appointed from the same congressional district.

SECTION 2. IC 25-5.1-2-4, AS AMENDED BY P.L.249-2019, SECTION 53, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 4. (a) The term of office for each member of the board is ~~made~~ **specified** under IC 25-1-6.5.

(b) A member of the board may be removed under IC 25-1-6.5-4.

SECTION 3. IC 25-23.5-2-4, AS AMENDED BY THE TECHNICAL CORRECTIONS BILL OF THE 2020 GENERAL ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 4. A member of the committee may be removed ~~by the board~~ under IC 25-1-6.5-4.

SECTION 4. IC 25-26-13-10, AS AMENDED BY P.L.1-2007, SECTION 179, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 10. (a) An applicant for registration as a pharmacist intern must furnish proof satisfactory to the board that the applicant:

(1) is actively enrolled in a school of pharmacy accredited by the American Council of Pharmaceutical Education;

(2) has obtained the Foreign Pharmacy Graduate Examination Committee Certificate; or

(3) is a qualified applicant awaiting the examination for licensure as a pharmacist.

(b) A registration issued under subsection (a) is valid for one (1) year and may be renewed by the board ~~for an additional year~~ **in accordance with subsection (c)** until the expiration date established by the Indiana professional licensing agency under IC 25-1-5-4.

(c) An application for registration or renewal must be accompanied by the appropriate fee and one (1) of the following:

(1) Proof of having obtained the Foreign Pharmacy Graduate Examination Committee Certificate.

(2) Proof of active enrollment in a school of pharmacy accredited by the American Council of Pharmaceutical Education.

SECTION 5. IC 25-26-21-6, AS AMENDED BY P.L.82-2016, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 6. (a) A person seeking to provide home medical equipment services in Indiana shall apply to the board for a license in the manner prescribed by the board.

(b) A provider shall do the following:

(1) Comply with:

(A) federal and state law; and

(B) regulatory requirements;

for home medical equipment services.

(2) Maintain a physical facility and medical equipment inventory in Indiana.

(3) Purchase and maintain in an amount determined by the board:

(A) product liability insurance; and

(B) professional liability insurance;

and maintain proof of the insurance coverage.

(4) Establish procedures to ensure that an employee or a contractor of the provider who is engaged in the following home medical equipment activities receives annual training:

(A) Delivery.

(B) Orientation of a patient in the use of home medical equipment.

(C) Reimbursement assistance.

(D) Maintenance.

(E) Repair.

(F) Cleaning and inventory control.

(G) Administration of home medical equipment services.

The provider shall maintain documentation of the annual training received by each employee or contractor.

(5) Maintain clinical records on a customer receiving home medical equipment services.

(6) Establish home medical equipment maintenance and personnel policies.

(7) Provide home medical equipment emergency maintenance services available twenty-four (24) hours a day.

(8) Comply with the rules adopted by the board under this chapter.

~~(c) An out-of-state provider may obtain a license to provide home medical equipment services in Indiana on the basis of reciprocity if:~~

~~(1) the out-of-state provider possesses a valid license granted by another state;~~

~~(2) the legal standards for licensure in the other state are comparable to the standards under this chapter; and~~

~~(3) the other state extends reciprocity to providers licensed in Indiana.~~

~~However, if the requirements for licensure under this chapter are more restrictive than the standards of the other state, the out-of-state provider must comply with the additional requirements of this chapter to obtain a reciprocal license under this chapter.~~

SECTION 6. IC 25-26-21-6.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 6.5. An out-of-state provider may obtain a license to provide home medical equipment services in Indiana on the basis of reciprocity if:**

(1) the out-of-state provider possesses a valid license granted by another state; and

(2) the legal standards for licensure in the other state are comparable to the standards under this chapter.

However, if the requirements for licensure under this chapter are more restrictive than the standards of the other state, except for the physical plant requirement specified in section 6(b)(2) of this

chapter, the out-of-state provider must comply with the additional requirements of this chapter to obtain a reciprocal license under this chapter.

SECTION 7. IC 25-27-1-4, AS AMENDED BY P.L.160-2019, SECTION 14, AND AS AMENDED BY P.L.249-2019, SECTION 114, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 4. (a) There is created ~~*a five (5) member*~~ *the* Indiana *board of* physical therapy. ~~*committee to assist the board in carrying out this chapter regarding the qualifications and examinations of physical therapists and physical therapist's assistants.*~~ *Subject to IC 25-1-6.5-3,* the ~~*committee*~~ *board* is comprised of *the following:*

(1) Three (3) physical therapists.

(2) ~~*a licensed physician; and*~~ *One (1) physical therapist assistant.*

(3) One (1) member who is a resident of the state and who is not associated with physical therapy in any way, other than as a consumer.

(b) ~~*Beginning July 1, 2019,*~~ ~~the governor shall make each appointment for a term of~~ *three (3) four (4) years.* ~~*A member of the board may not serve more than eight (8) years in a ten (10) year period.*~~ The governor shall make each appointment *before July 1, 2019,* for a term of three (3) years.

(c) The governor shall make each appointment after June 30, 2019, under IC 25-1-6.5.

~~*(c)*~~ *(d)* Each physical therapist *and physical therapist assistant* appointed must:

(1) ~~*be a licensed physical therapist meeting the requirements of this chapter;*~~ *have an unrestricted license or certificate issued under this chapter;*

(2) have had not less than ~~*three (3)*~~ *five (5)* years experience in the actual practice of physical therapy immediately preceding appointment; and

(3) be a resident of the state and actively engaged in this state in the practice of physical therapy during incumbency as a member of the ~~*committee.*~~ *board.*

~~*(d)*~~ **(e)** *The affirmative vote of a majority of the members appointed*

to the board is required for the board to take action on any measure.

~~*(e)*~~ **(f)** *The board shall meet at least quarterly.*

~~*(e)*~~ **(g)** *A member may be removed under IC 25-1-6.5-4.*

SECTION 8. IC 25-27.5-6-2, AS AMENDED BY P.L.135-2015, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 2. A physician may enter into a ~~supervising~~ **collaborative** agreement with more than four (4) physician assistants but may not ~~supervise~~ **collaborate with** more than four (4) physician assistants at the same time.

SECTION 9. IC 35-48-3-5, AS AMENDED BY P.L.84-2010, SECTION 95, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 5. (a) An application for registration or reregistration submitted pursuant to and a registration issued under section 3 of this chapter to manufacture, distribute, or dispense a controlled substance may be denied, suspended, or revoked by the board upon a finding that the applicant or registrant:

(1) has furnished false or fraudulent material information in any application filed under this article;

(2) has violated any state or federal law relating to any controlled substance;

(3) has had the applicant's or registrant's federal registration suspended or revoked to manufacture, distribute, or dispense controlled substances; or

(4) has failed to maintain reasonable controls against diversion of controlled substances into other than legitimate medical, scientific, or industrial channels.

(b) The board may limit revocation or suspension of a registration or the denial of an application for registration or reregistration to the particular controlled substance with respect to which grounds for revocation, suspension, or denial exist.

(c) If the board suspends or revokes a registration or denies an application for reregistration, all controlled substances owned or possessed by the registrant at the time of suspension or the effective date of the revocation or denial order may be placed under seal. The board may require the removal of such substances from the premises. No disposition may be made of substances under seal until the time for taking an appeal has elapsed or until all appeals have been concluded

unless a court, upon application therefor, orders the sale of perishable substances and the deposit of the proceeds of the sale with the court. Upon a revocation or denial order becoming final, all controlled substances may be forfeited to the state.

(d) The board shall promptly notify the Drug Enforcement Administration of all orders suspending or revoking registration, all orders denying any application for registration or reregistration, and all forfeitures of controlled substances.

(e) If:

(1) the Drug Enforcement Administration terminates, denies, suspends, or revokes a federal registration for the manufacture, distribution, or dispensing of controlled substances; **or**

(2) the federal registration is surrendered for cause;

a registration issued by the board under this chapter is automatically suspended.

(f) The board may reinstate a registration that has been suspended under subsection (e), after a hearing, if the board is satisfied that the applicant is able to manufacture, distribute, or dispense controlled substances with reasonable skill and safety to the public. As a condition of reinstatement, the board may impose disciplinary or corrective measures authorized under IC 25-1-9-9 or this article.

(g) A registration issued under this chapter is automatically revoked if any state license authorizing a dispenser to act as a practitioner is revoked.

P.L.102-2020
[H.1090. Approved March 18, 2020.]

AN ACT to amend the Indiana Code concerning business and other associations.

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

SECTION 1. IC 23-14-67-1, AS AMENDED BY P.L.42-2018, SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1. (a) This chapter applies to a cemetery that:

(1) is without funds or sources of funds for reasonable maintenance;

(2) has suffered neglect and deterioration;

(3) may be the burial grounds for an Indiana pioneer leader or veteran of an American war, including the Revolutionary War; and

(4) either:

(A) was established before 1875; or

(B) is a burial ground for a veteran of the Civil War.

(b) A county cemetery commission shall determine if a cemetery is a burial ground for a veteran of the Civil War under subsection (a)(4)(B) based on evidence presented to the county cemetery commission from any of the following:

(1) The Indiana historical bureau established by IC 4-23-7.2-2.

(2) The Indiana historical society established under IC 23-6-3.

(3) A historical society (as defined in IC 36-10-13-3).

(4) ~~The~~ Indiana Landmarks.

(5) The division of historic preservation and archeology of the department of natural resources.

(6) The Indiana archives and records administration under IC 5-15-5.1-5.

(c) A county may also assume responsibility for the maintenance

of a cemetery under IC 23-14-78.

SECTION 2. IC 23-14-68-1, AS AMENDED BY P.L.14-2018, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1. (a) Except as provided in ~~subsection (b)~~ **subsections (b) and (d),** this chapter applies to each cemetery that:

(1) is without funds for maintenance;

(2) was in existence on February 28, 1939; and

(3) is operated by a nonprofit organization or is not managed by any viable organization.

(b) Section 4.5 of this chapter applies to a cemetery that is operated by a nonprofit organization.

(c) **Except for a cemetery for which a township assumes responsibility under subsection (d),** this chapter does not apply to a cemetery located on land on which property taxes are assessed and paid under IC 6-1.1-4.

(d) A township may assume responsibility for the maintenance of a cemetery under IC 23-14-78.

SECTION 3. IC 23-14-78 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]:

Chapter 78. Assumption of Care of Certain Cemeteries

Sec. 1. This chapter applies to private cemeteries that are not owned or controlled by a cemetery corporation, church, association, or organization.

Sec. 2. As used in this chapter, "cemetery" means land in which human remains are interred, entombed, or inurned. The term does not include a cemetery that is subject to IC 23-14-33 through IC 23-14-76.

Sec. 3. As used in this chapter, "property owner" means the owner of record of a parcel of real property that contains a cemetery to which this chapter applies.

Sec. 4. (a) A county or a township may agree to maintain a cemetery to which this chapter applies. If a county or a township agrees to maintain a cemetery to which this chapter applies, it shall maintain the cemetery as described in IC 23-14-68-3. A county or a township that assumes the maintenance responsibilities for a cemetery under this section may seek reimbursement from the

property owner for the costs of maintaining the cemetery.

(b) Prior to a county or township assuming the maintenance responsibilities for a cemetery under this section, a property owner must do the following:

(1) Employ a professional surveyor to conduct a survey of the property on which the cemetery is located.

(2) Convey to the county or township, without consideration, an easement or fee simple title to the portion of the property on which the cemetery is located.

(3) If the portion of the property on which the cemetery is located is not accessible by a public road, convey to the township or county, without consideration, an easement for access to the cemetery.

(c) A property owner who transfers the maintenance responsibilities for a cemetery under this section may not file an application for the property to receive the cemetery tax assessment rate under IC 6-1.1-6.8.

(d) A property owner must make a reasonable effort to maintain a cemetery on the property owner's property. For purposes of this subsection, a reasonable effort to maintain a cemetery means the maintenance responsibilities described in IC 23-14-68-3. However, a property owner is not required to construct a fence where there is not one unless the township or the county provides the supplies, labor, and other expenses for the construction.

(e) A property owner who fails to perform the maintenance responsibilities required under subsection (d) commits a Class C infraction if:

(1) the township or the county provides two (2) written notices to the property owner, at the property owner's address of record, stating that the property owner is not maintaining the cemetery as required and may be subject to a Class C infraction; and

(2) the property owner fails to maintain the cemetery as required by this chapter within thirty (30) days after the second notice provided under subdivision (1).

Sec. 5. Nothing in this chapter allows a property owner to sell or furnish plots (as defined in IC 23-14-33-25).

P.L.103-2020
[H.1092. Approved March 18, 2020.]

AN ACT to amend the Indiana Code concerning human services.

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

SECTION 1. IC 12-15-5-14.5, AS ADDED BY P.L.128-2019, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 14.5. **(a)** The office shall include a:

(1) licensed clinical social worker;
(2) licensed mental health counselor;
(3) licensed clinical addiction counselor; and
(4) licensed marriage and family therapist;

as eligible providers for the supervision of a plan of treatment for a patient's outpatient mental health or substance abuse treatment services, if the individual holds at least a master's degree and the supervision is in the scope of practice, education, and training of the clinical social worker, mental health counselor, clinical addiction counselor, or marriage and family therapist.

(b) Before July 1, 2020, the office shall apply to the United States Department of Health and Human Services to amend the state Medicaid plan to implement subsection (a).

SECTION 2. IC 12-15-5-17, AS AMENDED BY P.L.108-2019, SECTION 194, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JUNE 29, 2020]: Sec. 17. (a) This section does not apply to a Medicaid recipient participating in the Program of All-Inclusive Care for the Elderly (PACE) program described in IC 12-15-43.

(b) The office may not include a Medicaid recipient who is eligible to ~~(1)~~ participate in the Medicare program (42 U.S.C. 1395 et seq.) and receive nursing facility services in a risk based managed care program or capitated managed care program.

(c) This section expires ~~June 30, 2020.~~ **June 30, 2021.**

SECTION 3. IC 12-15-13-9, AS ADDED BY P.L.128-2019, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. (a) Subject to subsection (b), the office shall reimburse the following providers if the providers are providing Medicaid covered services at a federally-qualified health center (as defined in 42 U.S.C. 1396d(l)(2)(B)) or a rural health clinic (as defined in 42 U.S.C. 1396d(l)(1)) within the provider's scope of practice:

(1) A clinical social worker licensed under IC 25-23.6-5.

(2) A marriage and family therapist licensed under IC 25-23.6-8.

(3) A mental health counselor licensed under IC 25-23.6-8.5.

(4) A clinical addiction counselor licensed under IC 25-23.6-10.5.

(b) **By July 1, 2020,** the office shall apply to the United States Department of Health and Human Services to amend the state Medicaid plan to include reimbursement described in subsection (a). The office may not implement the reimbursement under subsection (a) until the office has obtained approval for the Medicaid state plan amendment requested under this subsection.

SECTION 4. IC 27-8-5-15.8 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 15.8. (a) As used in this section, "treatment of a mental illness or substance abuse" means:**

(1) treatment for a mental illness, as defined in IC 12-7-2-130(1); and

(2) treatment for drug abuse or alcohol abuse.

(b) As used in this section, "act" refers to the Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Act of 2008 and any amendments thereto, plus any federal guidance or regulations relevant to that act, including 45 CFR 146.136, 45 CFR 147.136, 45 CFR 147.160, and 45 CFR 156.115(a)(3).

(c) As used in this section, "nonquantitative treatment limitations" refers to those limitations described in 26 CFR 54.9812-1, 29 CFR 2590.712, and 45 CFR 146.136.

(d) An insurer that issues a policy of accident and sickness insurance that provides coverage of services for treatment of a mental illness or substance abuse shall submit a report to the department not later than December 31 of each year that contains the following information:

(1) A description of the processes:

(A) used to develop or select the medical necessity criteria for coverage of services for treatment of a mental illness or substance abuse; and

(B) used to develop or select the medical necessity criteria for coverage of services for treatment of other medical or surgical conditions.

(2) Identification of all nonquantitative treatment limitations that are applied to:

(A) coverage of services for treatment of a mental illness or substance abuse; and

(B) coverage of services for treatment of other medical or surgical conditions;

within each classification of benefits.

(e) There may be no separate nonquantitative treatment limitations that apply to coverage of services for treatment of a mental illness or substance abuse that do not apply to coverage of services for treatment of other medical or surgical conditions within any classification of benefits.

(f) An insurer that issues a policy of accident and sickness insurance that provides coverage of services for treatment of a mental illness or substance abuse shall also submit an analysis showing the insurer's compliance with this section and the act to the department not later than December 31 of each year. The analysis must do the following:

(1) Identify the factors used to determine that a nonquantitative treatment limitation will apply to a benefit, including factors that were considered but rejected.

(2) Identify and define the specific evidentiary standards used to define the factors and any other evidence relied upon in designing each nonquantitative treatment limitation.

(3) Provide the comparative analyses, including the results of the analyses, performed to determine the following:

(A) That the processes and strategies used to design each nonquantitative treatment limitation for coverage of services for treatment of a mental illness or substance abuse are comparable to, and applied no more stringently

than, the processes and strategies used to design each nonquantitative treatment limitation for coverage of services for treatment of other medical or surgical conditions.

(B) That the processes and strategies used to apply each nonquantitative treatment limitation for treatment of a mental illness or substance abuse are comparable to, and applied no more stringently than, the processes and strategies used to apply each nonquantitative limitation for treatment of other medical or surgical conditions.

(g) The department shall adopt rules to ensure compliance with this section and the applicable provisions of the act.

SECTION 5. IC 27-13-7-14.2 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 14.2. (a) As used in this section, "treatment of a mental illness or substance abuse" means:**

(1) treatment for a mental illness, as defined in IC 12-7-2-130(1); and

(2) treatment for drug abuse or alcohol abuse.

(b) As used in this section, "act" refers to the Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Act of 2008 and any amendments thereto, plus any federal guidance or regulations relevant to that act, including 45 CFR 146.136, 45 CFR 147.136, 45 CFR 147.160, and 45 CFR 156.115(a)(3).

(c) As used in this section, "nonquantitative treatment limitations" refers to those limitations described in 26 CFR 54.9812-1, 29 CFR 2590.712, and 45 CFR 146.136.

(d) An individual contract or a group contract that provides coverage of services for treatment of a mental illness or substance abuse shall submit a report to the department not later than December 31 of each year that contains the following information:

(1) A description of the processes:

(A) used to develop or select the medical necessity criteria for coverage of services for treatment of a mental illness or substance abuse; and

(B) used to develop or select the medical necessity criteria for coverage of services for treatment of other medical or

surgical conditions.

(2) Identification of all nonquantitative treatment limitations that are applied to:

(A) coverage of services for treatment of a mental illness or substance abuse; and

(B) coverage of services for treatment of other medical or surgical conditions;

within each classification of benefits.

(e) There may be no separate nonquantitative treatment limitations that apply to coverage of services for treatment of a mental illness or substance abuse that do not apply to coverage of services for treatment of other medical or surgical conditions within any classification of benefits.

(f) An individual contract or a group contract that provides coverage of services for treatment of a mental illness or substance abuse shall also submit an analysis showing the insurer's compliance with this section and the act to the department not later than December 31 of each year. The analysis must do the following:

(1) Identify the factors used to determine that a nonquantitative treatment limitation will apply to a benefit, including factors that were considered but rejected.

(2) Identify and define the specific evidentiary standards used to define the factors and any other evidence relied upon in designing each nonquantitative treatment limitation.

(3) Provide the comparative analyses, including the results of the analyses, performed to determine the following:

(A) That the processes and strategies used to design each nonquantitative treatment limitation for coverage of services for treatment of a mental illness or substance abuse are comparable to, and applied no more stringently than, the processes and strategies used to design each nonquantitative treatment limitation for coverage of services for treatment of other medical or surgical conditions.

(B) That the processes and strategies used to apply each nonquantitative treatment limitation for treatment of a

mental illness or substance abuse are comparable to, and applied no more stringently than, the processes and strategies used to apply each nonquantitative limitation for treatment of other medical or surgical conditions.

(g) The department shall adopt rules to ensure compliance with this section and the applicable provisions of the act.

SECTION 6. [EFFECTIVE UPON PASSAGE] **(a) As used in this SECTION, "act" refers to the Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Act of 2008 and any amendments thereto, plus any federal guidance or regulations relevant to that act, including 45 CFR 146.136, 45 CFR 147.136, 45 CFR 147.160, and 45 CFR 156.115(a)(3).**

(b) Not later than March 1, 2021, the department of insurance shall submit a report to the general assembly concerning its implementation of rules and procedures to ensure compliance with the act. The report must include the following information:

(1) The methodology the department uses to determine insurers' compliance with the act.

(2) The methodology the department uses to determine insurers' compliance with IC 27-8-5-15.6, IC 27-8-5-15.8, as added by this act, IC 27-13-7-14.2, as added by this act, and IC 27-13-7-14.8.

(3) The results of the target market conduct examinations conducted or completed to determine insurers' compliance with state and federal laws regarding parity in coverage of services for treatment of a mental illness or substance abuse in the past twelve (12) months.

(4) Any educational or corrective action the department has taken to ensure insurers' compliance with the act.

(c) The report required under this SECTION must be in an electronic format under IC 5-14-6.

(d) This SECTION expires June 30, 2021.

SECTION 7. **An emergency is declared for this act.**

P.L.104-2020
[H.1099. Approved March 18, 2020.]

AN ACT to amend the Indiana Code concerning natural and cultural resources.

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

SECTION 1. IC 14-8-2-156.9 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 156.9. "Low head dam", for purposes of IC 14-27-7.3, has the meaning set forth in IC 14-27-7.3-2.**

SECTION 2. IC 14-8-2-245.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 245.1. "Roster", for purposes of IC 14-27-7.3, has the meaning set forth in IC 14-27-7.3-3.**

SECTION 3. IC 14-27-7.3 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]:

Chapter 7.3. Low Head Dams

Sec. 1. This chapter does not apply to a dam that is regulated by the Federal Energy Regulatory Commission or owned by the Army Corps of Engineers.

Sec. 2. As used in this chapter, "low head dam" means a manmade in-channel structure in a watercourse that is capable of generating hazardous recirculating currents that pose a risk to public health and safety and causes the watercourse to have a vertical drop of twenty-five (25) feet or less. The term does not include:

(1) a dam with a downstream structure in place to dissipate the hydraulic energy of the water past the crest of the dam; or

(2) ramped impoundments which drop at slopes of five

percent (5%) or flatter.

Sec. 3. As used in this chapter, "roster" refers to the roster of low head dams adopted under section 4 of this chapter.

Sec. 4. (a) Not later than July 1, 2021, the commission shall adopt a roster of low head dams located in the state that are capable of creating hazardous currents that pose safety issues to swimmers, waders, or boaters. The roster must be updated periodically.

(b) The roster of low head dams must include the following information:

(1) The location of the low head dam.

(2) To the extent feasible, the name of each low head dam owner. If an owner cannot be identified, the roster must list the owner as unknown.

Sec. 5. The department shall do the following:

(1) Establish warning standards for low head dams that are on the roster.

(2) Provide information on low head dam safety.

(3) Provide contact information for the department so that a low head dam owner can discuss options for low head dam removal or modification.

(4) Not more than ninety (90) days after the commission adopts a roster, notify each identified owner of a low head dam on the roster by certified mail of the requirements for a low head dam under this chapter.

(5) Not more than ninety (90) days after the department receives information of a new owner of a low head dam on the roster, notify the new owner by certified mail of the requirements for a low head dam under this chapter.

Sec. 6. A person who owns a low head dam that is on the roster shall do the following:

(1) Except as provided in section 7 of this chapter, comply with the warning standards established by the department under section 5(1) of this chapter.

(2) Inform the department of any change of ownership of the low head dam not more than thirty (30) days after the change.

(3) Except for a low head dam owned by the state, maintain

general liability insurance, with a general aggregate limit of not less than one million dollars ($1,000,000), to cover claims from injuries and death that the low head dam may cause, and before July 1 of each year provide the department with proof of insurance.

Sec. 7. A person who owns at least two (2) low head dams is exempted from the requirements under section 6(1) of this chapter if:

(1) that person has previously installed warning signs in coordination with the department; and

(2) that person maintains and repairs the signs that exist.

Sec. 8. (a) The owner of a low head dam that is on the roster and that has been damaged or breached shall notify the department within four (4) business days of becoming aware of the damage or breach.

(b) The department and the department's agents, engineers, geologists, and other employees may, for purposes of conducting an assessment of the low head dam that has been reported as damaged or breached, enter upon any land or water in Indiana without liability for trespass. The owner of the low head dam shall do the following:

(1) Cooperate with the department and the department's agents, engineers, geologists, and other employees in the conduct of the assessment.

(2) Facilitate access to the low head dam.

(c) After the low head dam has been assessed under subsection (b), the department shall provide a written report to each owner of the low head dam.

Sec. 9. (a) A person may not access a low head dam or wade, boat, swim, or access the waters within fifty (50) feet of the low head dam when warning signs are present.

(b) Notwithstanding subsection (a), a person who is performing:

(1) an assessment, inspection, or maintenance on or removal of a low head dam with the written permission of the owner; or

(2) duties of the department;

is exempt from this section.

Sec. 10. The department may use funds appropriated to the department to perform title searches to determine the owners of existing low head dams.

Sec. 11. (a) The state is not liable for any death or injury that occurs on or resulting from a low head dam that is not owned by the state.

(b) Nothing in this chapter limits an owner's liability for any damage, loss, or injury that is caused by a low head dam.

Sec. 12. The department may adopt rules under IC 4-22-2 to implement this chapter.

Sec. 13. A person who violates this chapter commits a Class C infraction.

Sec. 14. (a) A person may appeal an administrative decision or penalty assessed under this chapter to the commission.

(b) IC 4-21.5 applies to proceedings by the commission under this section.

Sec. 15. (a) Not later than October 1, 2020, the department shall:

(1) prepare a report that includes recommendations concerning the creation of a low head dam removal program and any recommendations concerning low head dam safety legislation; and

(2) submit the report required in this section in an electronic format under IC 5-14-6 to the executive director of the legislative services agency for distribution to the members of the general assembly.

(b) This section expires July 1, 2021.

SECTION 4. IC 34-30-2-56.7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 56.7. IC 14-27-7.3-11 (Concerning state liability for low head dams not owned by the state).**

P.L.105-2020
[H.1109. Approved March 18, 2020.]

AN ACT to amend the Indiana Code concerning trade regulation.

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

SECTION 1. IC 24-5-12-0.2 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2020 (RETROACTIVE)]: **Sec. 0.2. This chapter does not apply to a seller solely because the seller makes or will make, during any calendar year, a solicitation in a telephone call that is exempt from the application of IC 24-4.7 under IC 24-4.7-1-1.**

SECTION 2. IC 24-5-12-8, AS AMENDED BY P.L.242-2019, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2020 (RETROACTIVE)]: Sec. 8. As used in this chapter, "seller" means a person who, personally, through salespersons, or through the use of an automated dialing and answering device, makes a solicitation **if in the solicitation any one (1) of the following occurs:**

(1) There is a false representation or implication that a prospect will receive a gift, prize, or the value of a gift or prize.

(2) There is an offer of a vacation at a reduced price if the vacation involves the prospect attending a presentation in which the prospect is solicited to purchase a time share or camping club membership and if the seller does not own the time share or camping club, does not represent the owner of the time share or camping club, or misrepresents the value of the vacation. Terms in this subdivision have the meaning set forth in IC 32-32.

(3) There is a representation or implication that a prospect who buys office equipment or supplies will, because of some

unusual event or imminent price increase, be able to buy these items at prices that are below those that are usually charged or will be charged for the items if the price advantage for the prospect does not exist.

(4) There is a false representation or implication as to the identity of the person making the solicitation.

(5) There is a representation or implication that the items for sale are manufactured or supplied by a person other than the actual manufacturer or supplier.

(6) There is an offer to sell the prospect precious metals, precious stones, coal, or other minerals, or any interest in oil, gas, or mineral fields, wells, or exploration sites, if the seller does not own the items, does not represent the owner, or misrepresents the value of the items.

SECTION 3. IC 24-5-12-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2020 (RETROACTIVE)]: Sec. 9. As used in this chapter, "solicitation" means a telephone conversation or attempted telephone conversation **that occurs in a telephone call made by a seller to another person** in which the seller offers, or attempts to offer, an item to ~~another~~ **the other** person in exchange for money or other consideration.

SECTION 4. IC 24-5-12-10, AS AMENDED BY P.L.242-2019, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2020 (RETROACTIVE)]: Sec. 10. (a) **Except as provided in section 0.2 of this chapter,** before doing business in Indiana, a seller must register with the division.

(b) A ~~person~~ **seller** does business in Indiana if the ~~person solicits.~~ **seller makes or will make a solicitation during any calendar year:**

(1) from a location in Indiana; or

(2) **to** a prospect who is located in Indiana.

SECTION 5. IC 24-5-12-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2020 (RETROACTIVE)]: Sec. 12. The registration statement must contain the following information:

(1) The name of the seller.

(2) Whether the seller is doing business as a corporation, a partnership, an individual, or ~~other~~ **another** legal entity.

(3) The names under which the seller has done, is doing, or intends to do business.

(4) The name of any parent or affiliated business that will engage in business transactions with the prospect or will take responsibility for statements made by the seller or a salesperson of the seller.

(5) The names, dates of birth, business addresses, business telephone numbers, and titles of all the seller's officers, directors, trustees, general partners, general managers, principals, executives, and any other person charged with responsibility for the seller's business activities relating to telephone sales.

(6) The length of time the seller has:

(A) solicited telephone sales; and

(B) solicited telephone sales for the items to be offered to the prospect.

(7) A statement of the amount to be paid by the prospect, or when not known, the approximate amount or range of amount to be paid.

(8) A complete and detailed description of any service that the seller proposes to undertake to perform for a prospect who purchases the item offered.

(9) An unexecuted copy of all contracts that may be offered in the transaction being solicited.

(10) The complete street address or addresses of all locations, designating the principal location from which the seller will be conducting business, and, if the principal location is outside Indiana, a designation of its principal location within Indiana.

(11) A listing of all telephone numbers to be used by the seller and the address of each location using these numbers.

(12) A copy of all sales scripts the seller requires salespersons to use when soliciting a prospect or, if no sales script is required to be used, a statement to that effect.

(13) The name and address of the seller's agent in Indiana, authorized to receive service of process in Indiana.

~~(14) A statement as to whether the seller or any of its officers, directors, trustees, general partners, managers, principals, executives, or representatives has been:~~

~~(A) held liable in a civil action for an unfair, false, misleading, or deceptive practice;~~

~~(B) convicted of a crime involving fraud, embezzlement, conversion, or theft during the most recent seven (7) year period; or~~

~~(C) declared bankrupt in any judicial proceeding during the most recent seven (7) year period.~~

~~(15) A statement containing the names of the parties, the name of the court, the cause or docket number of the lawsuit, the date the suit was filed, and the date the judgment was entered, if applicable, for each action under subdivision (14).~~

SECTION 6. IC 24-5-24.7 IS REPEALED [EFFECTIVE UPON PASSAGE]. (Use of Consumer's Social Security Number in Credit Files).

SECTION 7. **An emergency is declared for this act.**

P.L.106-2020
[H.1120. Approved March 18, 2020.]

AN ACT to amend the Indiana Code concerning corrections.

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

SECTION 1. IC 35-38-2.6-5, AS AMENDED BY P.L.179-2015, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 5. **(a)** If a person who is placed under this chapter violates the terms of the placement, the community corrections director may do any of the following:

(1) Change the terms of the placement.

(2) Continue the placement.

(3) Reassign a person assigned to a specific community

corrections program to a different community corrections program.

(4) Request that the court revoke the placement and commit the person to the county jail or department of correction for the remainder of the person's sentence.

The community corrections director shall notify the court if the director changes the terms of the placement, continues the placement, or reassigns the person to a different program.

(b) If a person who is placed under this chapter violates the terms of the placement, the prosecuting attorney may request that the court revoke the placement and commit the person to the county jail or department of correction for the remainder of the person's sentence.

SECTION 2. IC 35-50-6-0.5, AS ADDED BY P.L.74-2015, SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 0.5. The following definitions apply throughout this chapter:

(1) "Accrued time" means the amount of time that a person is imprisoned or confined.

(2) "Credit time" means the sum of a person's accrued time, good time credit, and educational credit.

(3) "Educational credit" means a reduction in a person's term of imprisonment or confinement awarded for participation in an educational, vocational, rehabilitative, or other program. **The term includes an individualized case management plan.**

(4) "Good time credit" means a reduction in a person's term of imprisonment or confinement awarded for the person's good behavior while imprisoned or confined.

(5) "Individualized case management plan" means educational credit which consists of a plan designed to address an incarcerated person's risk of recidivism, and may include:

(A) addiction recovery treatment;

(B) mental health treatment;

(C) vocational education programming;

(D) adult basic education, a high school or high school equivalency diploma, a college diploma, and any other

academic educational goal; or

(E) any other programming or activity that encourages productive pursuits while a person is incarcerated and that may reduce the person's likelihood to recidivate after the person's release from incarceration.

SECTION 3. IC 35-50-6-3.1, AS AMENDED BY P.L.44-2016, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 3.1. (a) This section applies to a person who commits an offense after June 30, 2014.

(b) A person assigned to Class A earns one (1) day of good time credit for each day the person is imprisoned for a crime or confined awaiting trial or sentencing.

(c) A person assigned to Class B earns one (1) day of good time credit for every three (3) days the person is imprisoned for a crime or confined awaiting trial or sentencing.

(d) A person assigned to Class C earns one (1) day of good time credit for every six (6) days the person is imprisoned for a crime or confined awaiting trial or sentencing.

(e) A person assigned to Class D earns no good time credit.

(f) A person assigned to Class P earns one (1) day of good time credit for every four (4) days the person serves on pretrial home detention awaiting trial. **A person assigned to Class P does not earn accrued time for time served on pretrial home detention awaiting trial.**

SECTION 4. IC 35-50-6-3.3, AS AMENDED BY P.L.13-2016, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 3.3. (a) In addition to any educational credit a person earns under subsection (b), or good time credit a person earns under section 3 or 3.1 of this chapter, a person earns educational credit if the person:

(1) is in credit Class I, Class A, or Class B;

(2) has demonstrated a pattern consistent with rehabilitation; and

(3) successfully completes requirements to obtain one (1) of the following:

(A) A general educational development (GED) diploma under IC 20-20-6 (before its repeal) or IC 22-4.1-18, if the person has not previously obtained a high school diploma.

(B) Except as provided in subsection (o), a high school diploma, if the person has not previously obtained a general educational development (GED) diploma.

(C) An associate degree from an approved postsecondary educational institution (as defined under IC 21-7-13-6(a)) earned during the person's incarceration.

(D) A bachelor degree from an approved postsecondary educational institution (as defined under IC 21-7-13-6(a)) earned during the person's incarceration.

(b) In addition to any educational credit that a person earns under subsection (a), or good time credit a person earns under section 3 or 3.1 of this chapter, a person may earn educational credit if, while confined by the department of correction, the person:

(1) is in credit Class I, Class A, or Class B;

(2) demonstrates a pattern consistent with rehabilitation; and

(3) successfully completes requirements ~~to obtain~~ **for** at least one (1) of the following:

(A) **To obtain** a certificate of completion of a career and technical or vocational education program approved by the department of correction.

(B) **To obtain** a certificate of completion of a substance abuse program approved by the department of correction.

(C) **To obtain** a certificate of completion of a literacy and basic life skills program approved by the department of correction.

(D) **To obtain** a certificate of completion of a reformative program approved by the department of correction.

(E) An individualized case management plan approved by the department of correction.

(c) The department of correction shall establish admissions criteria and other requirements for programs available for earning educational credit under subsection (b). A person may not earn educational credit under ~~both subsections (a) and (b)~~ **this section** for the same program of study. The department of correction, in consultation with the department of workforce development, shall approve a program only if the program is likely to lead to an employable occupation.

(d) The amount of educational credit a person may earn under this

section is the following:

(1) Six (6) months for completion of a state of Indiana general educational development (GED) diploma under IC 20-20-6 (before its repeal) or IC 22-4.1-18.

(2) One (1) year for graduation from high school.

(3) Not more than one (1) year for completion of an associate degree.

(4) Not more than two (2) years for completion of a bachelor degree.

(5) Not more than a total of one (1) year, as determined by the department of correction, for the completion of one (1) or more career and technical or vocational education programs approved by the department of correction.

(6) Not more than a total of six (6) months, as determined by the department of correction, for the completion of one (1) or more substance abuse programs approved by the department of correction.

(7) Not more than a total of six (6) months, as determined by the department of correction, for the completion of one (1) or more literacy and basic life skills programs approved by the department of correction.

(8) Not more than a total of six (6) months, as determined by the department of correction, for completion of one (1) or more reformative programs approved by the department of correction. However, a person who is serving a sentence for an offense listed under IC 11-8-8-4.5 may not earn educational credit under this subdivision.

(9) An amount determined by the department of correction under a policy adopted by the department of correction concerning the individualized case management plan, not to exceed the maximum amount described in subsection (j).

However, a person who does not have a substance abuse problem that qualifies the person to earn educational credit in a substance abuse program may earn not more than a total of twelve (12) months of educational credit, as determined by the department of correction, for the completion of one (1) or more career and technical or vocational education programs approved by the department of correction. If a

person earns more than six (6) months of educational credit for the completion of one (1) or more career and technical or vocational education programs, the person is ineligible to earn educational credit for the completion of one (1) or more substance abuse programs.

(e) Educational credit earned under this section must be directly proportional to the time served and course work completed while incarcerated. The department of correction shall adopt rules under IC 4-22-2 necessary to implement this subsection.

(f) Educational credit earned by a person under this section is subtracted from the release date that would otherwise apply to the person by the sentencing court after subtracting all other credit time earned by the person.

(g) A person does not earn educational credit under subsection (a) unless the person completes at least a portion of the degree requirements after June 30, 1993.

(h) A person does not earn educational credit under subsection (b) unless the person completes at least a portion of the program requirements after June 30, 1999.

(i) Educational credit earned by a person under subsection (a) for a diploma or degree completed before July 1, 1999, shall be subtracted from:

(1) the release date that would otherwise apply to the person after subtracting all other credit time earned by the person, if the person has not been convicted of an offense described in subdivision (2); or

(2) the period of imprisonment imposed on the person by the sentencing court, if the person has been convicted of one (1) of the following crimes:

(A) Rape (IC 35-42-4-1).

(B) Criminal deviate conduct (IC 35-42-4-2) (before its repeal).

(C) Child molesting (IC 35-42-4-3).

(D) Child exploitation (IC 35-42-4-4(b) or IC 35-42-4-4(c)).

(E) Vicarious sexual gratification (IC 35-42-4-5).

(F) Child solicitation (IC 35-42-4-6).

(G) Child seduction (IC 35-42-4-7).

(H) Sexual misconduct with a minor (IC 35-42-4-9) as a:

(i) Class A felony, Class B felony, or Class C felony for a crime committed before July 1, 2014; or

(ii) Level 1, Level 2, or Level 4 felony, for a crime committed after June 30, 2014.

(I) Incest (IC 35-46-1-3).

(J) Sexual battery (IC 35-42-4-8).

(K) Kidnapping (IC 35-42-3-2), if the victim is less than eighteen (18) years of age.

(L) Criminal confinement (IC 35-42-3-3), if the victim is less than eighteen (18) years of age.

(M) An attempt or a conspiracy to commit a crime listed in clauses (A) through (L).

(j) The maximum amount of educational credit a person may earn under this section is the lesser of:

(1) two (2) years; or

(2) one-third (1/3) of the person's total applicable credit time.

(k) Educational credit earned under this section by an offender serving a sentence for stalking (IC 35-45-10-5), a felony against a person under IC 35-42, or for a crime listed in IC 11-8-8-5, shall be reduced to the extent that application of the educational credit would otherwise result in:

(1) postconviction release (as defined in IC 35-40-4-6); or

(2) assignment of the person to a community transition program;

in less than forty-five (45) days after the person earns the educational credit.

(l) A person may earn educational credit for multiple degrees at the same education level under subsection (d) only in accordance with guidelines approved by the department of correction. The department of correction may approve guidelines for proper sequence of education degrees under subsection (d).

(m) A person may not earn educational credit:

(1) for a general educational development (GED) diploma if the person has previously earned a high school diploma; or

(2) for a high school diploma if the person has previously earned a general educational development (GED) diploma.

(n) A person may not earn educational credit under this section if the person:

(1) commits an offense listed in IC 11-8-8-4.5 while the person is required to register as a sex or violent offender under IC 11-8-8-7; and

(2) is committed to the department of correction after being convicted of the offense listed in IC 11-8-8-4.5.

(o) For a person to earn educational credit under subsection (a)(3)(B) for successfully completing the requirements for a high school diploma through correspondence courses, each correspondence course must be approved by the department before the person begins the correspondence course. The department may approve a correspondence course only if the entity administering the course is recognized and accredited by the department of education in the state where the entity is located.

(p) The department of correction shall, before May 1, 2023, submit a report to the legislative council, in an electronic format under IC 5-14-6, concerning the implementation of the individualized case management plan. The report must include the following:

(1) The ratio of case management staff to offenders participating in the individualized case management plan as of January 1, 2023.

(2) The average number of days awarded to offenders participating in the individualized case management plan from January 1, 2022, through December 31, 2022.

(3) The percentage of the prison population currently participating in an individualized case management plan as of January 1, 2023.

(4) Any other data points or information related to the status of the implementation of the individualized case management plan.

This subsection expires June 30, 2023.

P.L.107-2020
[H.1147. Approved March 18, 2020.]

AN ACT to amend the Indiana Code concerning elections.

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

SECTION 1. IC 3-10-6.5 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]:

Chapter 6.5. Elections in Even-Numbered Years for Towns and Certain Cities

Sec. 1. (a) Except as provided in subsection (b), this chapter applies only to the following municipalities:

(1) A town.

(2) A city with a population of less than three thousand five hundred (3,500).

(b) This chapter does not apply to a municipality located wholly or partially in a county having a consolidated city.

Sec. 2. As used in this chapter, "municipal election year" refers to an odd-numbered year determined under IC 3-10-6-5.

Sec. 3. During a year immediately before a municipal election year, the legislative body of a municipality may adopt an ordinance providing that each elected office of the municipality is elected in an even-numbered year.

Sec. 4. An ordinance described in section 3 of this chapter must provide the following:

(1) The term of office for each individual elected to an office of the municipality at the next municipal election year. A term of office set under this subdivision must be either:

(A) one (1) year; or

(B) three (3) years;

as specified in the ordinance for each elected office of the

municipality.

(2) That the successors of the individuals elected during the next municipal election year shall be elected in the following applicable even-numbered year as determined by the term of office set for each office in the ordinance under subdivision (1).

(3) That the term of office of the successors of the individuals elected for the initial term of office set for each office under subdivision (1) is four (4) years, beginning January 1 after their respective elections.

Sec. 5. If a municipality adopts an ordinance under section 3 of this chapter, the elected officers of the municipality shall be elected under IC 3-10-6 or IC 3-10-7:

(1) whichever is applicable to the municipality; and

(2) to the extent either of those statutes is not inconsistent with this chapter.

Sec. 6. An ordinance adopted under this chapter:

(1) may not be repealed earlier than twelve (12) years after the ordinance was adopted under section 3 of this chapter; and

(2) may be repealed only in a year preceding a municipal election year.

Sec. 7. An ordinance adopted under section 3 or 6 of this chapter takes effect when the ordinance is filed with the circuit court clerk of the county in which the largest percentage of the population of the municipality is located.

P.L.108-2020
[H.1148. Approved March 18, 2020.]

AN ACT concerning professions and occupations.

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

SECTION 1. [EFFECTIVE JUNE 1, 2020] **(a) Candidates for the certified public accountant examination may not take the examination prior to meeting the additional education requirements set forth in 872 IAC 1-1-6.1 through 872 IAC 1-1-6.6.**

(b) Except as provided in subsection (c), a candidate may not apply to take the examination until the candidate has completed all of the education requirements set forth in 872 IAC 1-1-6.1 through 872 IAC 1-1-6.6.

(c) Notwithstanding subsection (b), a candidate may apply to take the examination up to sixty (60) days prior to the candidate's completion of the education requirements set forth in 872 IAC 1-1-6.1 through 872 IAC 1-1-6.6 after the board of accountancy or the board's designee receives a certificate of enrollment from the educational institution or institutions where the candidate is completing the candidate's education. The certificate of enrollment must:

(1) identify the courses in which the candidate is currently enrolled;

(2) if applicable, state that upon completion of the courses identified in subdivision (1), it is anticipated that the candidate will receive a baccalaureate or higher degree; and

(3) bear the seal of the institution or a notary public.

(d) A candidate may be admitted to take the examination based on the information appearing on the certificate of enrollment. However, a candidate may only sit for the examination after all educational requirements set forth in 872 IAC 1-1-6.1 through 872

IAC 1-1-6.6 are completed. The candidate is responsible for compliance with subsection (e) and subject to action under subsection (f).

(e) Not later than sixty (60) days immediately following the taking of the first of four (4) examination sections, a candidate who applied to sit for the examination under subsection (c) shall submit to the board, or the board's designee, all final official transcripts and applicable supporting documentation indicating that the candidate has met all of the education requirements set forth in 872 IAC 1-1-6.1 through 872 IAC 1-1-6.6.

(f) The board may cancel any examination scores received by a candidate who fails to meet the requirements in subsection (e). If an examination score is canceled, the candidate is not entitled to credit for any passed section of the examination.

(g) The candidate must attain the uniform passing grade of at least seventy-five (75), scaled through a psychometrically acceptable standard setting procedure and approved by the board.

(h) A candidate may take the required examination sections individually and in any order. Credit for any examination section passed shall be valid for a period of eighteen (18) months, which shall be calculated from the actual date the candidate took the examination section, without having to attain a minimum score on any failed examination sections, and without regard to whether the candidate has taken other examination sections, provided the following:

(1) Candidates must pass all sections of the examination within a rolling eighteen (18) month period, which shall begin on the date that the first passed examination section is taken.

(2) If a candidate does not pass all four (4) sections of the examination within the rolling eighteen (18) month period, credit for any examination section passed outside of the eighteen (18) month period will expire and that examination section must be retaken.

(i) A candidate shall retain credit for any and all sections of the examination passed as a candidate of another state if such credit would have been given under then applicable requirements in Indiana.

(j) A candidate shall be considered to have passed the examination once the candidate simultaneously holds valid credit for passing each section of the examination. For purposes of this SECTION, credit for passing a section of the examination is valid from the actual date of the testing event for that section, regardless of the date the candidate actually receives notice of the passing grade.

(k) Notwithstanding subsection (h), the board may in particular cases extend the term of credit validity upon a showing that credit was lost by reason of circumstances beyond the candidate's control.

(l) The board shall notify eligible candidates of the time, place, and procedures for the examination, or a candidate shall independently contact the board, the board's designee, or a test center operator to schedule the time, place, and procedures for the examination at an approved test site.

(m) The board shall adopt rules under IC 4-22-2 necessary to implement this SECTION.

(n) This SECTION expires July 1, 2021.

SECTION 2. [EFFECTIVE JUNE 1, 2020] **(a) 872 IAC 1-1-9.5, 872 IAC 1-1-14, and 872 IAC 1-1-19 are void. The publisher of the Indiana Administrative Code and Indiana Register shall remove these sections from the Indiana Administrative Code.**

(b) This SECTION expires July 1, 2021.

SECTION 3. **An emergency is declared for this act.**

P.L.109-2020
[H.1153. Approved March 18, 2020.]

AN ACT to amend the Indiana Code concerning education.

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

SECTION 1. IC 4-3-27-3, AS AMENDED BY P.L.143-2019, SECTION 2, AND AS AMENDED BY P.L.237-2019, SECTION 1, AND AS AMENDED BY THE TECHNICAL CORRECTIONS BILL OF THE 2020 GENERAL ASSEMBLY, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. The governor's workforce cabinet is established under the applicable state and federal programs to do the following:

(1) Review the services and use of funds and resources under applicable state and federal programs and advise the governor, *general assembly, commission for higher education, and state board of education* on methods of coordinating the services and use of funds and resources consistent with the laws and regulations governing the particular applicable state and federal programs.

(2) Advise the governor, *general assembly, commission for higher education, and state board of education* on:

(A) the development and implementation of state and local standards and measures; and

(B) the coordination of the standards and measures;

concerning the applicable federal programs.

(3) Perform the duties as set forth in federal law of the particular advisory bodies for applicable federal programs described in section 4 of this chapter.

(4) Identify the workforce needs in Indiana and recommend to the governor, *general assembly, commission for higher education, and state board of education* goals to meet the investment needs.

(5) Recommend to the governor, *general assembly, commission for higher education, and state board of education* goals for the development and coordination of the talent development system in Indiana.

(6) Prepare and recommend to the governor, *general assembly, commission for higher education, and state board of education* a strategic plan to accomplish the goals developed under subdivisions (4) and (5).

(7) Monitor and direct the implementation of and evaluate the effectiveness of the strategic plan described in subdivision (6).

(8) Advise the governor, *general assembly, commission for higher education, and state board of education* on the coordination of federal, state, and local education and training programs and on the allocation of state and federal funds in Indiana to promote effective services, service delivery, and innovative programs.

(9) Review and approve regional workforce development board plans, and work with regional workforce development boards to determine appropriate metrics for workforce programming at the state and local levels.

(10) Design for implementation a comprehensive career navigation and coaching system as described in section 11 of this chapter.

(11) Conduct a systematic and comprehensive review, analysis, and evaluation of workforce funding described in section 12 of this chapter.

(12) Conduct a systematic and comprehensive review, analysis, and evaluation of the college and career funding described in section 13 of this chapter.

(13) Based on the reviews in sections 12 and 13 of this chapter, direct the appropriate state agencies to implement administrative changes to the delivery of these programs that align with Indiana's workforce goals, and make recommendations to:

(A) the governor;

(B) the commission for higher education;

(C) the state board of education; and

(D) the ~~*legislative council*~~ *general assembly* in an ~~*in*~~ electronic format under IC 5-14-6;

on possible legislative changes in the future.

(14) Study the advisability of establishing one (1) or more real world career readiness programs as described in section 14 of this chapter and report to:

(A) the governor;

(B) the commission for higher education;

(C) the state board of education; and

(D) the ~~*legislative council*~~ *general assembly* in an electronic format under IC 5-14-6;

concerning the results of the study.

(15) Conduct a systematic and comprehensive review, analysis, and evaluation of whether:

(A) Indiana's **early childhood,** *primary, secondary, and postsecondary education systems are aligned with employer needs; and*

(B) Indiana's students and workforce are prepared for success in the twenty-first century economy.

(16) **On or before December 1, 2020,** *create a comprehensive strategic plan to ensure alignment between Indiana's* **early childhood,** *primary, secondary, and postsecondary education systems with Indiana's workforce training programs and employer needs.*

~~*(15)*~~ **(17)** *Administer the workforce diploma reimbursement program established by IC 22-4.1-27-7.*

~~*(17)*~~ ~~*(16)*~~ **(18)** Carry out other policy duties and tasks as assigned by the governor.

SECTION 2. **An emergency is declared for this act.**

P.L.110-2020
[H.1157. Approved March 18, 2020.]

AN ACT to amend the Indiana Code concerning motor vehicles.

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

SECTION 1. IC 9-21-3-11, AS AMENDED BY P.L.217-2014, SECTION 45, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 11. A person who violates section 7, 8, or 9 of this chapter commits a Class C infraction. **However, a person who violates section 7, 8, or 9 of this chapter in a manner that results in bodily injury to a person commits a Class A infraction.**

SECTION 2. IC 9-21-8-49, AS AMENDED BY P.L.188-2015, SECTION 76, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 49. **(a) Except as provided in subsection (b)** ~~except~~ **or** as provided in sections 35, 50, ~~51,~~ 52, 55, 56, and 58 of this chapter, a person who violates this chapter commits a Class C infraction.

(b) Except as provided in sections 35, 50, 52, 55, 56, 58, and 59 of this chapter, a person who violates this chapter in a manner that results in bodily injury to a person commits a Class A infraction.

SECTION 3. IC 9-21-8-51 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 51. A person ~~who:~~ **may not:**

(1) ~~operates~~ **operate** a vehicle; and

(2) ~~fails~~ **fail** to dim bright or blinding lights when meeting another vehicle or pedestrian.

~~commits a Class B infraction.~~

SECTION 4. IC 9-30-6-8, AS AMENDED BY P.L.188-2015, SECTION 109, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 8. (a) Whenever a judicial officer

has determined that there was probable cause to believe that a person has violated IC 9-30-5, IC 35-46-9, or IC 14-15-8 (before its repeal), the clerk of the court shall forward:

(1) a paper copy of the affidavit, or an electronic substitute; or

(2) a bureau certificate as described in section 16 of this chapter;

to the bureau.

(b) The probable cause affidavit required under section 7(b)(2) of this chapter must do the following:

(1) Set forth the grounds for the arresting officer's belief that there was probable cause that the arrested person was operating a vehicle in violation of IC 9-30-5 or a motorboat in violation of IC 35-46-9 or IC 14-15-8 (before its repeal).

(2) State that the person was arrested for a violation of IC 9-30-5 or operating a motorboat in violation of IC 35-46-9 or IC 14-15-8 (before its repeal).

(3) State whether the person:

(A) refused to submit to a chemical test when offered; or

(B) submitted to a chemical test that resulted in prima facie evidence that the person was intoxicated.

(4) Be sworn to by the arresting officer.

(c) Except as provided in subsection (d), if it is determined under subsection (a) that there was probable cause to believe that a person has violated IC 9-30-5, IC 35-46-9, or IC 14-15-8 (before its repeal), at the initial hearing of the matter held under IC 35-33-7-1 the court shall recommend immediate suspension of the person's driving privileges to take effect on the date the order is entered, and forward to the bureau a copy of the order recommending immediate suspension of driving privileges.

(d) If it is determined under subsection (a) that there is probable cause to believe that a person violated IC 9-30-5, the court may, as an alternative to **any** suspension of the person's driving privileges under subsection (c), issue an order recommending that the person be prohibited from operating a motor vehicle unless the motor vehicle is equipped with a functioning certified ignition interlock device under IC 9-30-8. **This subsection applies even if the probable cause affidavit in subsection (b) states that the person:**

(1) refused to submit to a chemical test; or

(2) submitted to a chemical test that resulted in prima facie evidence that the person was intoxicated.

The order remains in effect until the bureau is notified by a court that the criminal charges against the person have been resolved. **When the court issues an order under this subsection, no administrative suspension is imposed by the bureau and no suspension is noted on the person's driving record.**

(e) A person commits a Class B infraction if the person:

(1) operates a motor vehicle without a functioning certified ignition interlock device; and

(2) is prohibited from operating a motor vehicle unless the motor vehicle is equipped with a functioning certified ignition interlock device under subsection (d).

(f) A person commits a Class B misdemeanor if the person:

(1) operates a motor vehicle without a functioning certified ignition interlock device; and

(2) knows the person is prohibited from operating a motor vehicle unless the motor vehicle is equipped with a functioning certified ignition interlock device under subsection (d).

SECTION 5. IC 9-30-6-13.5, AS AMENDED BY P.L.2-2005, SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 13.5. ~~Whenever~~ **If:**

(1) a case filed under IC 9-30-5 is terminated in favor of the defendant; and

(2) the defendant's driving privileges were suspended under:

(A) ~~section 9(c)~~ **section 9(b)** of this chapter; **or**

(B) section 9(c) of this chapter;

the bureau shall remove any record of the suspension, including the reason for suspension, from the defendant's official driving record.

SECTION 6. IC 9-30-16-1, AS AMENDED BY P.L.144-2019, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1. (a) Except as provided in subsection (b), the following are ineligible for specialized driving privileges under this chapter:

(1) A person who has never been an Indiana resident.

(2) A person seeking specialized driving privileges with respect to a suspension based on the person's refusal to submit to a chemical

test offered under IC 9-30-6 or IC 9-30-7. **However, a court may grant this person driving privileges under IC 9-30-6-8(d).**

(3) A person whose driving privileges have been suspended or revoked under IC 9-24-10-7(b)(2)(A).

(4) A person whose driving privileges have been suspended under IC 9-21-8-52(e) or IC 9-21-12-1(b).

(b) This chapter applies to the following:

(1) A person who held an operator's, a commercial driver's, a public passenger chauffeur's, or a chauffeur's license at the time of:

(A) the criminal conviction for which the operation of a motor vehicle is an element of the offense;

(B) any criminal conviction for an offense under IC 9-30-5, IC 35-46-9, or IC 14-15-8 (before its repeal); or

(C) committing the infraction of exceeding a worksite speed limit for the second time in one (1) year under IC 9-21-5-11(f).

(2) A person who:

(A) has never held a valid Indiana driver's license or does not currently hold a valid Indiana learner's permit; and

(B) was an Indiana resident when the driving privileges for which the person is seeking specialized driving privileges were suspended.

(c) Except as specifically provided in this chapter, a court may suspend the driving privileges of a person convicted of any of the following offenses for a period up to the maximum allowable period of incarceration under the penalty for the offense:

(1) Any criminal conviction in which the operation of a motor vehicle is an element of the offense.

(2) Any criminal conviction for an offense under IC 9-30-5, IC 35-46-9, or IC 14-15-8 (before its repeal).

(3) Any offense under IC 35-42-1, IC 35-42-2, or IC 35-44.1-3-1 that involves the use of a vehicle.

(d) Except as provided in section 3.5 of this chapter, a suspension of driving privileges under this chapter may begin before the conviction. Multiple suspensions of driving privileges ordered by a court that are part of the same episode of criminal conduct shall be served concurrently. A court may grant credit time for any suspension that

began before the conviction, except as prohibited by section 6(a)(2) of this chapter.

(e) If a person has had an ignition interlock device installed as a condition of specialized driving privileges or under IC 9-30-6-8(d), the period of the installation shall be credited as part of the suspension of driving privileges.

(f) This subsection applies to a person described in subsection (b)(2). A court shall, as a condition of granting specialized driving privileges to the person, require the person to apply for and obtain an Indiana driver's license.

(g) If a person indicates to the court at an initial hearing (as described in IC 35-33-7) that the person intends to file a petition for a specialized driving privileges hearing with that court under section 3 or 4 of this chapter, the following apply:

(1) The court shall:

(A) stay the suspension of the person's driving privileges at the initial hearing and shall not submit the probable cause affidavit related to the person's offense to the bureau; and

(B) set the matter for a specialized driving privileges hearing not later than thirty (30) days after the initial hearing.

(2) If the person does not file a petition for a specialized driving privileges hearing not later than ten (10) days after the date of the initial hearing, the court shall lift the stay of the suspension of the person's driving privileges and shall submit the probable cause affidavit related to the person's offense to the bureau for automatic suspension.

(3) If the person files a petition for a specialized driving privileges hearing not later than ten (10) days after the initial hearing, the stay of the suspension of the person's driving privileges continues until the matter is heard and a determination is made by the court at the specialized driving privileges hearing.

(4) If the specialized driving privileges hearing is continued due to:

(A) a congestion of the court calendar;

(B) the prosecuting attorney's motion for a continuance; or

(C) the person's motion for a continuance with no objection by the prosecuting attorney;

the stay of the suspension of the person's driving privileges continues until addressed at the next hearing.

(5) If the person moves for a continuance of the specialized driving privileges hearing and the court grants the continuance over the prosecuting attorney's objection, the court shall lift the stay of the suspension of the person's driving privileges and shall submit the probable cause affidavit related to the person's offense to the bureau for automatic suspension.

SECTION 7. IC 9-30-16-6, AS ADDED BY P.L.188-2015, SECTION 128, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 6. (a) A person whose driving privileges are suspended under section 1(c) of this chapter:

(1) is entitled to credit for any days during which the license was suspended under IC 9-30-6-9(c); and

(2) may not receive any credit for days during which the person's driving privileges were suspended under IC 9-30-6-9(b).

(b) A period of suspension of driving privileges imposed under section 1(c) of this chapter must be consecutive to any period of suspension imposed under IC 9-30-6-9(b). However, **if the state and defendant agree pursuant to a term in an accepted plea agreement, or** if the court finds ~~in the sentencing order~~ **at sentencing** that it is in the best interest of society, the court ~~may~~ **shall** terminate all or any part of the remaining suspension under IC 9-30-6-9(b) **and shall enter this finding in its sentencing order.**

(c) The bureau shall designate a period of suspension of driving privileges imposed under section 1(c) of this chapter as consecutive to any period of suspension imposed under IC 9-30-6-9(b) unless the sentencing order of the court under subsection (b) terminates all or part of the remaining suspension under IC 9-30-6-9(b).

SECTION 8. IC 9-30-16-6.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 6.5. A court and the bureau, if applicable, shall terminate all or any part of the remaining suspension of a person's license suspension under section 1(c) of this chapter or under IC 9-30-6-9 if:**

(1) the charges against the person are dismissed;

(2) the person is acquitted; or

(3) the person's conviction is vacated or reversed on appeal.

SECTION 9. IC 34-28-5-1, AS AMENDED BY P.L.198-2016, SECTION 667, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1. (a) An action to enforce a statute defining an infraction shall be brought in the name of the state of Indiana by the prosecuting attorney for the judicial circuit in which the infraction allegedly took place. However, if the infraction allegedly took place on a public highway (as defined in IC 9-25-2-4) that runs on and along a common boundary shared by two (2) or more judicial circuits, a prosecuting attorney for any judicial circuit sharing the common boundary may bring the action.

(b) An action to enforce an ordinance shall be brought in the name of the municipal corporation. The municipal corporation need not prove that it or the ordinance is valid unless validity is controverted by affidavit.

(c) Actions under this chapter (or IC 34-4-32 before its repeal):

(1) shall be conducted in accordance with the Indiana Rules of Trial Procedure; and

(2) must be brought within two (2) years after the alleged conduct or violation occurred.

(d) The plaintiff in an action under this chapter must prove the commission of an infraction or ordinance violation by a preponderance of the evidence.

(e) The complaint and summons described in IC 9-30-3-6 may be used for any infraction or ordinance violation.

~~(f) Subsection (g) does not apply to an individual who is alleged to have committed an infraction under any of the following when the individual was less than eighteen (18) years of age at the time of the alleged offense:~~

~~IC 9-19~~

~~IC 9-21~~

~~IC 9-24~~

~~IC 9-25~~

~~IC 9-26~~

~~IC 9-30-5~~

~~IC 9-30-10~~

~~IC 9-30-15.~~

~~(g)~~ **(f)** This subsection does not apply to an offense or violation under IC 9-24-6 (before its repeal) or IC 9-24-6.1 involving the operation of a commercial motor vehicle. The prosecuting attorney or the attorney for a municipal corporation may establish a deferral program for deferring actions brought under this section. Actions may be deferred under this section if:

(1) the defendant in the action agrees to conditions of a deferral program offered by the prosecuting attorney or the attorney for a municipal corporation;

(2) the defendant in the action agrees to pay to the clerk of the court an initial user's fee and monthly user's fee set by the prosecuting attorney or the attorney for the municipal corporation in accordance with IC 33-37-4-2(e);

(3) the terms of the agreement are recorded in an instrument signed by the defendant and the prosecuting attorney or the attorney for the municipal corporation;

(4) the defendant in the action agrees to pay a fee of seventy dollars ($70) to the clerk of court if the action involves a moving traffic offense (as defined in IC 9-13-2-110);

(5) the agreement is filed in the court in which the action is brought; and

(6) if the deferral program is offered by the prosecuting attorney, the prosecuting attorney electronically transmits information required by the prosecuting attorneys council concerning the withheld prosecution to the prosecuting attorneys council, in a manner and format designated by the prosecuting attorneys council.

When a defendant complies with the terms of an agreement filed under this subsection (or IC 34-4-32-1(f) before its repeal), the prosecuting attorney or the attorney for the municipal corporation shall request the court to dismiss the action. Upon receipt of a request to dismiss an action under this subsection, the court shall dismiss the action. An action dismissed under this subsection (or IC 34-4-32-1(f) before its repeal) may not be refiled.

~~(h)~~ **(g)** If a judgment is entered against a defendant in an action to enforce an ordinance, the defendant may perform community restitution or service (as defined in IC 35-31.5-2-50) instead of paying a monetary

judgment for the ordinance violation as described in section 4(e) of this chapter if:

(1) the:

(A) defendant; and

(B) attorney for the municipal corporation;

agree to the defendant's performance of community restitution or service instead of the payment of a monetary judgment;

(2) the terms of the agreement described in subdivision (1):

(A) include the amount of the judgment the municipal corporation requests that the defendant pay under section 4(e) of this chapter for the ordinance violation if the defendant fails to perform the community restitution or service provided for in the agreement as approved by the court; and

(B) are recorded in a written instrument signed by the defendant and the attorney for the municipal corporation;

(3) the agreement is filed in the court where the judgment was entered; and

(4) the court approves the agreement.

If a defendant fails to comply with an agreement approved by a court under this subsection, the court shall require the defendant to pay up to the amount of the judgment requested in the action under section 4(e) of this chapter as if the defendant had not entered into an agreement under this subsection.

SECTION 10. IC 34-28-5-4, AS AMENDED BY P.L.146-2016, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 4. (a) A judgment of up to ten thousand dollars ($10,000) may be entered for a violation constituting a Class A infraction.

(b) A judgment of up to one thousand dollars ($1,000) may be entered for a violation constituting a Class B infraction.

(c) Except as provided in subsection (f), a judgment of up to five hundred dollars ($500) may be entered for a violation constituting a Class C infraction.

(d) A judgment of up to twenty-five dollars ($25) may be entered for a violation constituting a Class D infraction.

(e) Subject to ~~section 1(i)~~ **section 1** of this chapter, a judgment:

(1) up to the amount requested in the complaint; and

(2) not exceeding any limitation under IC 36-1-3-8;

may be entered for an ordinance violation.

(f) Except as provided in subsections (g) and (h), a person who has admitted to a moving violation constituting a Class C infraction, pleaded nolo contendere to a moving violation constituting a Class C infraction, or has been found by a court to have committed a moving violation constituting a Class C infraction may not be required to pay more than the following amounts for the violation:

(1) If, before the appearance date specified in the summons and complaint, the person mails or delivers an admission of the moving violation or a plea of nolo contendere to the moving violation, the person may not be required to pay any amount, except court costs and a judgment that does not exceed thirty-five dollars and fifty cents ($35.50).

(2) If the person admits the moving violation or enters a plea of nolo contendere to the moving violation on the appearance date specified in the summons and complaint, the person may not be required to pay any amount, except court costs and a judgment that does not exceed thirty-five dollars and fifty cents ($35.50).

(3) If the person contests the moving violation in court and is found to have committed the moving violation, the person may not be required to pay any amount, except:

(A) court costs and a judgment that does not exceed thirty-five dollars and fifty cents ($35.50) if, in the five (5) years before the appearance date specified in the summons and complaint, the person was not found by a court in the county to have committed a moving violation;

(B) court costs and a judgment that does not exceed two hundred fifty dollars and fifty cents ($250.50) if, in the five (5) years before the appearance date specified in the summons and complaint, the person was found by a court in the county to have committed one (1) moving violation; and

(C) court costs and a judgment that does not exceed five hundred dollars ($500) if, in the five (5) years before the appearance date specified in the summons and complaint, the person was found by a court in the county to have committed two (2) or more moving violations.

In a proceeding under subdivision (3), the court may require the person to submit an affidavit or sworn testimony concerning whether, in the five (5) years before the appearance date specified in the summons and complaint, the person has been found by a court to have committed one (1) or more moving violations.

(g) The amounts described in subsection (f) are in addition to any amount that a person may be required to pay for attending a defensive driving school program.

(h) This subsection applies only to infraction judgments imposed in Marion County for traffic violations after December 31, 2010. Subsection (f) applies to an infraction judgment described in this subsection. However, a court shall impose a judgment of not less than thirty-five dollars ($35) for an infraction judgment that is entered in Marion County. These funds shall be transferred to a dedicated fund in accordance with section 5 of this chapter.

(i) This subsection applies only to infraction judgments imposed in Clark County for toll violations after January 1, 2017. Subsection (f) applies to an infraction judgment described in this subsection. However, a court shall impose a judgment of not less than thirty-five dollars ($35) for an infraction judgment that is entered in Clark County. These funds shall be transferred to a dedicated fund in accordance with section 5(f) of this chapter.

SECTION 11. IC 34-28-5-8, AS AMENDED BY P.L.200-2005, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 8. The violations clerk or deputy violations clerk shall:

(1) accept:

(A) written appearances;

(B) waivers of trial;

(C) admissions of violation;

(D) declarations of nolo contendere for moving traffic violations;

(E) payments of judgments (including costs) in traffic violation cases;

(F) deferral agreements made under ~~section 1(f)~~ **section 1** of this chapter (or IC 34-4-32-1(f) before its repeal) and deferral program fees prescribed under IC 33-37-4-2(e); and

(G) community restitution or service agreements made under ~~section 1(g)~~ **section 1** of this chapter;

(2) issue receipts and account for any judgments (including costs) collected; and

(3) pay the judgments (including costs) collected to the appropriate unit of government as provided by law.

SECTION 12. IC 34-28-5-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 9. The court shall:

(1) designate the traffic violations within the authority of the violations clerk, but these violations may not include misdemeanors or felonies;

(2) establish schedules, within limits prescribed by law, of the judgments to be imposed for first violations, designating each violation specifically;

(3) order that the schedule of judgments be prominently posted in the place where the fines are paid;

(4) establish a procedure under which any violations clerk or deputy violations clerk shall accept, receipt, and account for all money tendered for designated traffic violations; and

(5) dismiss deferred actions if a dismissal request is made under ~~section 1(f)~~ **section 1** of this chapter (or IC 34-4-32-1(f) before its repeal).

SECTION 13. IC 35-48-4-15 IS REPEALED [EFFECTIVE JULY 1, 2020]. ~~Sec. 15. If a person is convicted of an offense under section 1, 1.1, 1.2, 2, 3, 4, or 10 of this chapter, and the court finds that a motor vehicle was used in the commission of the offense, the court may, in addition to any other order the court enters, order that the person's driving privileges be suspended by the bureau of motor vehicles for a period specified by the court of not more than two (2) years.~~

P.L.111-2020
[H.1176. Approved March 18, 2020.]

AN ACT to amend the Indiana Code concerning human services.

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

SECTION 1. IC 5-10-8-7.3, AS AMENDED BY P.L.229-2011, SECTION 69, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2021]: Sec. 7.3. (a) As used in this section, "covered individual" means an individual who is:

(1) covered under a self-insurance program established under section 7(b) of this chapter to provide group health coverage; or

(2) entitled to services under a contract with a prepaid health care delivery plan that is entered into or renewed under section 7(c) of this chapter.

(b) As used in this section, "early intervention services" means services provided to a first steps child under IC 12-12.7-2 and 20 U.S.C. 1432(4).

(c) As used in this section, "first steps child" means an infant or toddler from birth through two (2) years of age who is enrolled in the Indiana first steps program and is a covered individual.

(d) As used in this section, "first steps program" refers to the program established under IC 12-12.7-2 and 20 U.S.C. 1431 et seq. to meet the needs of:

(1) children who are eligible for early intervention services; and

(2) their families.

The term includes the coordination of all available federal, state, local, and private resources available to provide early intervention services within Indiana.

(e) As used in this section, "health benefits plan" means a:

(1) self-insurance program established under section 7(b) of this chapter to provide group health coverage; or

(2) contract with a prepaid health care delivery plan that is entered into or renewed under section 7(c) of this chapter.

(f) A health benefits plan that provides coverage for early intervention services shall reimburse the first steps program a monthly fee established by the division of disability and rehabilitative services established by IC 12-9-1-1. **Except when the monthly fee is less than the product determined under IC 12-12.7-2-23(b),** the monthly fee shall be provided instead of claims processing of individual claims.

(g) The reimbursement required under subsection (f) may not be applied to any annual or aggregate lifetime limit on the first steps child's coverage under the health benefits plan.

(h) The first steps program may pay required deductibles, copayments, or other out-of-pocket expenses for a first steps child directly to a provider. A health benefits plan shall apply any payments made by the first steps program to the health benefits plan's deductibles, copayments, or other out-of-pocket expenses according to the terms and conditions of the health benefits plan.

(i) A health benefits plan may not require authorization for services specified in the covered individual's individualized family service plan, if those services are a covered benefit under the plan once the individualized family service plan is signed by a physician.

(j) The department of insurance shall adopt rules under IC 4-22-2 to ensure compliance with this section.

SECTION 2. IC 12-12.7-2-3, AS AMENDED BY SEA 238-2020, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 3. (a) As used in this chapter, "early intervention services" means developmental services that meet the following conditions:

(1) Are provided under public supervision.

(2) Are selected in collaboration with the parents.

(3) Are provided at no cost, except when federal or state law provides for a system of payments by the families, including a sliding fee schedule.

(4) Are designed to meet the:

(A) developmental needs of infants and toddlers with disabilities in at least one (1) of the areas specified in section 4(a)(1) of this chapter; and

(B) needs of the family to assist appropriately the development of the infant or toddler as identified by the individualized family service plan adopted in accordance with 20 U.S.C. 1436.

(5) Meet all required state and federal standards.

(6) Are provided by qualified personnel, including the following:

(A) Early childhood special educators, early childhood educators, and special educators, including teachers of children with:

(i) hearing impairments, including deafness; and

(ii) vision impairments, including blindness.

(B) Speech and language pathologists and audiologists.

(C) Occupational therapists.

(D) Physical therapists.

(E) Psychologists.

(F) Social workers.

(G) Nurses.

(H) Nutritionists.

(I) Family therapists.

(J) Orientation and mobility specialists.

(K) Pediatricians and other physicians for diagnostic and evaluation purposes.

(L) Registered dieticians.

(M) Vision specialists, including ophthalmologists and optometrists.

(7) To the maximum extent appropriate, are provided in natural environments, including the home and community settings in which children without disabilities participate.

(8) Are provided in conformity with an individualized family service plan adopted in accordance with 20 U.S.C. 1436.

(b) The term includes the following services:

(1) Family training, counseling, and home visits.

(2) Special instruction.

(3) Speech and language pathology, audiology, and sign language and cued language services.

(4) Occupational therapy.

(5) Physical therapy.

(6) Psychological services.

(7) Service coordination services.

(8) Medical services only for diagnostic, evaluation, or consultation purposes.

(9) Early identification, screening, and assessment services.

(10) Other health services necessary for an infant or a toddler to benefit from the services.

(11) Vision services.

(12) Supportive technology services.

(13) Transportation and related costs that are necessary to enable an infant or a toddler and the infant's or toddler's family to receive early intervention services.

(14) Habilitative services that are necessary to enable an infant or toddler to keep, learn, improve, or recover skills and functioning for daily living, including skills and functioning affected by a developmental delay.

~~(14)~~ **(15)** Assistive technology devices and services.

~~(15)~~ **(16)** Nursing services.

~~(16)~~ **(17)** Nutrition services.

~~(17)~~ **(18)** Social work services.

(c) This section does not provide an exhaustive list of the services that may constitute early intervention services or the qualified personnel that may provide early intervention services. Nothing in this section prohibits an individualized family service plan from including another type of:

(1) service as an early intervention service if the service meets the criteria set forth in subsection (a); or

(2) personnel that may provide early intervention services as long as the personnel meet the requirements of 34 CFR 303.31.

SECTION 3. IC 12-12.7-2-9, AS ADDED BY P.L.93-2006, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 9. (a) The governor shall make the initial appointments under section 8 of this chapter with staggered terms and subsequent appointments for terms of three (3) years. **However, a member shall continue to serve until a successor is appointed.**

(b) A council member may be reappointed for succeeding terms.

SECTION 4. IC 12-12.7-2-10, AS ADDED BY P.L.93-2006,

SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 10. (a) The ~~governor~~ **council** shall

~~(1) designate a member of the council to serve as the chairperson of the council; or~~

~~(2)~~ ~~require the council to designate~~ **annually elect** a chairperson **and vice chairperson** from within its membership.

(b) A member of the council who is a representative of the division may not serve as chairperson **or vice chairperson** of the council.

(c) A chairperson **and vice chairperson** may be ~~reappointed~~ **reelected** for succeeding terms.

SECTION 5. IC 12-12.7-2-11, AS ADDED BY P.L.93-2006, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 11. Any of the following may call a meeting of the council:

~~(1) The governor.~~

~~(2)~~ **(1)** The chairperson of the council.

(2) The vice chairperson, if the chairperson is not available.

SECTION 6. IC 12-12.7-2-14, AS ADDED BY P.L.93-2006, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 14. The council ~~may~~ **shall** prepare and approve a budget using funds under this chapter to do the following:

(1) Conduct hearings and forums.

~~(2) Reimburse members of the council for reasonable and necessary expenses for attending council meetings and performing council duties, including child care for the members who are representatives of parents.~~

~~(3)~~ **(2)** Pay ~~compensation~~ **per diem and travel and other expenses as provided in section 14.5 of this chapter** to ~~a member~~ **members** of the council. ~~if the member is not employed or is required to forfeit wages from other employment when absent from the other employment due to the performance of council business.~~

~~(4)~~ **(3)** Hire the staff and obtain services that are necessary to carry out the council's functions.

SECTION 7. IC 12-12.7-2-14.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS

[EFFECTIVE JULY 1, 2020]: **Sec. 14.5. (a) Any 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). The member is also entitled to reimbursement for traveling expenses 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) Any 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 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) Any 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 members of the general assembly serving on interim study committees established by the legislative council.

SECTION 8. IC 12-12.7-2-17, AS AMENDED BY P.L.108-2019, SECTION 192, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 17. (a) As used in this section, "per unit of treatment" means an increment of fifteen (15) minutes for services provided to an individual.

(b) A family shall participate in the cost of programs and services provided under this chapter to the extent allowed by federal law according to a cost participation schedule established by the division. The cost participation schedule must be based on the federal income poverty level and set forth a copayment per unit of treatment and a maximum monthly cost share amount.

(c) A cost participation plan used by the division for families to participate in the cost of the programs and services provided under this chapter:

(1) must:

(A) be based on income and ability to pay;

(B) provide for a review of a family's cost participation amount:

(i) annually; and

(ii) within thirty (30) days after the family reports a reduction in income; and

(C) allow the division to waive a required copayment if other medical expenses or personal care needs expenses for any member of the family reduce the level of income the family has available to pay copayments under this section;

(2) may allow a family to voluntarily contribute payments that exceed the family's required cost participation amount;

(3) must require the family to allow the division access to all health care coverage information that the family has concerning the infant or toddler who is to receive services;

(4) must require families to consent to the division billing third party payors for early intervention services provided;

(5) may allow the division to waive the billing to third party payors if the family is able to demonstrate financial or personal hardship on the part of the family member; and

(6) must require the division to waive the family's monthly copayments in any month for those services for which it receives payment from the family's health insurance coverage.

(d) Funds received through a cost participation plan under this section must be used to fund programs described in section 18 of this chapter.

(e) Before the division may make a change to the cost participation schedule, the division must do the following:

(1) Release the proposed changes to the cost participation schedule for public comment no later than September 1 in the year before the change will be effective.

(2) Allow a sixty (60) day public comment period on the proposed changes to the cost participation schedule.

(3) Implement any change to the cost participation schedule no earlier than July 1 of the year following the release of the proposed change under subdivision (1).

SECTION 9. IC 12-12.7-2-23 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 23. (a) As used in this section, "covered plan" means a plan providing coverage for early**

intervention services under IC 5-10-8-7.3, IC 21-38-6-1, or IC 27-8-27-6.

(b) The division may not be paid by a covered plan for early intervention services provided under this chapter at a rate that is less than the product of the following:

(1) The covered plan's CPT code (as defined by 27-1-37.5-3) rate for each service provided; multiplied by

(2) The frequency of each service.

SECTION 10. IC 21-38-6-1, AS AMENDED BY P.L.229-2011, SECTION 242, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2021]: Sec. 1. **(a)** An employee health plan that provides coverage for early intervention services shall reimburse the first steps program a monthly fee established by the division of disability and rehabilitative services. **Except when the monthly fee is less than the product determined under IC 12-12.7-2-23(b),** the monthly fee shall be provided instead of claims processing of individual claims.

(b) An employee health plan may not require authorization for services specified in the covered individual's individualized family service plan, if those services are a covered benefit under the plan once the individualized family service plan is signed by a physician.

(c) The department of insurance shall adopt rules under IC 4-22-2 to ensure compliance with this section.

SECTION 11. IC 27-8-5.8-5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 5. (a) As used in this section, "health plan information card" means a card that:**

(1) an insurer of an accident and sickness insurance policy; or

(2) a third party administrator of a self-insured plan;

provides to an individual so that the individual may present the card to establish the eligibility of the individual or the individual's dependents to receive health benefits or services.

(b) Subject to subsection (c), a health plan information card must indicate that the health benefits and services are provided by:

(1) an insurer of an accident and sickness insurance policy; or

(2) a third party administrator of a self-insured plan.

(c) Subsection (b) applies only to a health plan information card issued:

(1) initially to a new insured; or

(2) to an insured at the time of the insured's policy renewal; after June 30, 2020.

(d) The department of insurance shall adopt rules under IC 4-22-2 to ensure compliance with this section.

SECTION 12. IC 27-8-5.8-6 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 6. (a) As used in this section, "insurer" means:**

(1) an issuer of an accident and sickness insurance policy; or

(2) a third party administrator of health benefits and services under an accident and sickness insurance policy.

(b) The electronic data base by which an insurer allows an insured or a provider to verify an insured's coverage or benefits under an accident and sickness insurance policy issued or administered by the insurer must include the following information for each insured:

(1) Whether health benefits and services under the accident and sickness insurance policy are provided by:

(A) the issuer of the accident and sickness insurance policy; or

(B) a third party administrator.

(2) Whether the accident and sickness insurance policy is subject to state or federal regulation.

(c) The department of insurance shall adopt rules under IC 4-22-2 to ensure compliance with this section.

SECTION 13. IC 27-8-27-6, AS AMENDED BY P.L.229-2011, SECTION 254, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2021]: Sec. 6. **(a)** A health insurance plan that provides coverage for early intervention services shall reimburse the first steps program a monthly fee established by the division of disability and rehabilitative services. **Except when the monthly fee is less than the product determined under IC 12-12.7-2-23(b),** the monthly fee shall be provided instead of claims processing of individual claims.

(b) A health insurance plan may not require authorization for services specified in the covered individual's individualized family service plan, if those services are a covered benefit under the plan once the individualized family service plan is signed by a physician.

(c) The department of insurance shall adopt rules under IC 4-22-2 to ensure compliance with this section.

SECTION 14. IC 27-13-9-6 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 6. (a) As used in this section, "health plan information card" means a card that:**

(1) a health maintenance organization; or

(2) a third party administrator of a self-insured plan;

provides to an individual so that the individual may present the card to establish the eligibility of the individual or the individual's dependents to receive benefits or health care services.

(b) A health plan information card must indicate that the benefits and health care services are provided by:

(1) a health maintenance organization; or

(2) a third party administrator.

(c) Subsection (b) applies only to a health plan information card issued:

(1) initially to an individual as a new enrollee; or

(2) to an individual at the time of the individual's renewal of enrollment;

in a health maintenance organization after June 30, 2020.

(d) The department of insurance shall adopt rules under IC 4-22-2 to ensure compliance with this section.

SECTION 15. IC 27-13-9-7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 7. (a) The electronic data base by which a health maintenance organization or by which a third party administrator of benefits and health care services offered under a health maintenance organization contract allows an enrollee or a provider to verify an enrollee's coverage or benefits under a health maintenance organization contract must include the following information for each enrollee:**

(1) Whether benefits and health care services under the health

maintenance organization contract are provided by:

(A) the health maintenance organization; or

(B) a third party administrator.

(2) Whether the health maintenance organization contract is a self-funded or fully-funded plan.

(b) The department shall adopt rules under IC 4-22-2 to ensure compliance with this section.

P.L.112-2020

[H.1182. Approved March 18, 2020.]

AN ACT to amend the Indiana Code concerning health.

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

SECTION 1. IC 5-10-13-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1. As used in this chapter, "exposure risk disease" refers to:

~~(1) acquired immune deficiency syndrome (AIDS);~~

~~(2)~~ **(1)** anthrax;

~~(3)~~ **(2)** hepatitis;

~~(4)~~ **(3)** human immunodeficiency virus (HIV);

~~(5)~~ **(4)** meningococcal meningitis;

~~(6)~~ **(5)** smallpox; ~~and~~ **or**

~~(7)~~ **(6)** tuberculosis.

SECTION 2. IC 5-10-13-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 5. (a) Except as provided in section 6 of this chapter, an employee who:

(1) is diagnosed with a health condition caused by an exposure risk disease that:

(A) requires medical treatment; and

(B) results in total or partial disability or death;

(2) by written affidavit has provided to the employee's employer a verification described in subsection (b), (c), (d), (e), or (f); and

(3) before the employee is diagnosed with a health condition caused by hepatitis or tuberculosis, tests negative for evidence of hepatitis or tuberculosis through medical testing;

is presumed to have a disability or death incurred in the line of duty.

(b) An employee who is diagnosed with a health condition caused by hepatitis and, if the health condition results in disability or death, wishes to have a presumption of disability or death incurred in the line of duty apply to the employee shall, by written affidavit executed before death, provide verification that the employee has not:

(1) outside the scope of the employee's current employment, been exposed through transfer of body fluids to an individual known to have a medical condition caused by hepatitis;

(2) received blood products other than a transfusion received because of an injury to the employee that occurred in the scope of the employee's current employment;

(3) received blood products for the treatment of a coagulation disorder since testing negative for hepatitis;

(4) engaged in sexual practices or other behavior identified as high risk by the Centers for Disease Control and Prevention or the Surgeon General of the United States;

(5) had sexual relations with another individual known to the employee to have engaged in sexual practices or other behavior described in subdivision (4); or

(6) used intravenous drugs that were not prescribed by a physician.

(c) An employee who is diagnosed with a health condition caused by meningococcal meningitis and, if the health condition results in disability or death, wishes to have a presumption of disability or death incurred in the line of duty apply to the employee shall, by written affidavit executed before death, provide verification that the employee, in the ten (10) days immediately preceding the diagnosis, was not exposed to another individual known to:

(1) have meningococcal meningitis; or

(2) be an asymptomatic carrier of meningococcal meningitis;

outside the scope of the employee's current employment.

(d) An employee who is diagnosed with a health condition caused by tuberculosis and, if the health condition results in disability or death, wishes to have a presumption of disability or death incurred in the line of duty apply to the employee shall, by written affidavit executed before death, provide verification that the employee has not, outside the scope of the employee's current employment, been exposed to another individual known to have tuberculosis.

(e) An employee who is diagnosed with a health condition caused by ~~AIDS or~~ HIV and, if the health condition results in disability or death, wishes to have a presumption of disability or death incurred in the line of duty apply to the employee shall, by written affidavit executed before death, provide verification that the employee has not:

(1) outside the scope of the employee's current employment, been exposed through transfer of body fluids to an individual known to have a medical condition caused by ~~AIDS or~~ HIV;

(2) received blood products other than a transfusion received because of an injury to the employee that occurred in the scope of the employee's current employment;

(3) received blood products for the treatment of a coagulation disorder since testing negative for ~~AIDS or~~ HIV;

(4) engaged in sexual practices or other behavior identified as high risk by the Centers for Disease Control and Prevention or the Surgeon General of the United States;

(5) had sexual relations with another individual known to the employee to have engaged in sexual practices or other behavior described in subdivision (4); or

(6) used intravenous drugs that were not prescribed by a physician.

(f) An employee who is diagnosed with a health condition caused by smallpox and, if the health condition results in disability or death, wishes to have a presumption of disability or death incurred in the line of duty apply to the employee shall, by written affidavit executed before death, provide verification that the employee has not, outside the scope of the employee's current employment, been exposed to another individual known to have smallpox.

(g) A presumption of disability or death incurred in the line of duty

may be rebutted by competent evidence.

(h) A meeting or hearing held to rebut a presumption of disability or death incurred in the line of duty may be held as an executive session under IC 5-14-1.5-6.1(b)(1).

SECTION 3. IC 16-18-2-49 IS REPEALED [EFFECTIVE JULY 1, 2020]. ~~Sec. 49. "Carrier", for purposes of IC 16-41, means a person who has:~~

~~(1) tuberculosis in a communicable stage; or~~

~~(2) another dangerous communicable disease.~~

SECTION 4. IC 16-18-2-91 IS REPEALED [EFFECTIVE JULY 1, 2020]. ~~Sec. 91. "Dangerous communicable disease", for purposes of IC 16-41, means a communicable disease that is set forth in the list published by the state department under IC 16-41-2-1.~~

SECTION 5. IC 16-18-2-163, AS AMENDED BY P.L.2-2019, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 163. (a) **Except as provided in subsection (c),** "health care provider", for purposes of IC 16-21 and IC 16-41, means any of the following:

(1) An individual, a partnership, a corporation, a professional corporation, a facility, or an institution licensed or legally authorized by this state to provide health care or professional services as a licensed physician, a psychiatric hospital, a hospital, a health facility, an emergency ambulance service (IC 16-31-3), a dentist, a registered or licensed practical nurse, a midwife, an optometrist, a pharmacist, a podiatrist, a chiropractor, a physical therapist, a respiratory care practitioner, an occupational therapist, a psychologist, a paramedic, an emergency medical technician, an advanced emergency medical technician, an athletic trainer, or a person who is an officer, employee, or agent of the individual, partnership, corporation, professional corporation, facility, or institution acting in the course and scope of the person's employment.

(2) A college, university, or junior college that provides health care to a student, a faculty member, or an employee, and the governing board or a person who is an officer, employee, or agent of the college, university, or junior college acting in the course and scope of the person's employment.

(3) A blood bank, community mental health center, community intellectual disability center, community health center, or migrant health center.

(4) A home health agency (as defined in IC 16-27-1-2).

(5) A health maintenance organization (as defined in IC 27-13-1-19).

(6) A health care organization whose members, shareholders, or partners are health care providers under subdivision (1).

(7) A corporation, partnership, or professional corporation not otherwise qualified under this subsection that:

(A) provides health care as one (1) of the corporation's, partnership's, or professional corporation's functions;

(B) is organized or registered under state law; and

(C) is determined to be eligible for coverage as a health care provider under IC 34-18 for the corporation's, partnership's, or professional corporation's health care function.

Coverage for a health care provider qualified under this subdivision is limited to the health care provider's health care functions and does not extend to other causes of action.

(b) "Health care provider", for purposes of IC 16-35, has the meaning set forth in subsection (a). However, for purposes of IC 16-35, the term also includes a health facility (as defined in section 167 of this chapter).

(c) "Health care provider", for purposes of IC 16-32-5, IC 16-36-5, ~~and~~ IC 16-36-6, **and IC 16-41-10** means an individual licensed or authorized by this state to provide health care or professional services as:

(1) a licensed physician;

(2) a registered nurse;

(3) a licensed practical nurse;

(4) an advanced practice registered nurse;

(5) a certified nurse midwife;

(6) a paramedic;

(7) an emergency medical technician;

(8) an advanced emergency medical technician;

(9) an emergency medical responder, as defined by section 109.8 of this chapter;

(10) a licensed dentist;

(11) a home health aide, as defined by section 174 of this chapter; or

(12) a licensed physician assistant.

The term includes an individual who is an employee or agent of a health care provider acting in the course and scope of the individual's employment.

(d) "Health care provider", for purposes of section 1.5 of this chapter and IC 16-40-4, means any of the following:

(1) An individual, a partnership, a corporation, a professional corporation, a facility, or an institution licensed or authorized by the state to provide health care or professional services as a licensed physician, a psychiatric hospital, a hospital, a health facility, an emergency ambulance service (IC 16-31-3), an ambulatory outpatient surgical center, a dentist, an optometrist, a pharmacist, a podiatrist, a chiropractor, a psychologist, or a person who is an officer, employee, or agent of the individual, partnership, corporation, professional corporation, facility, or institution acting in the course and scope of the person's employment.

(2) A blood bank, laboratory, community mental health center, community intellectual disability center, community health center, or migrant health center.

(3) A home health agency (as defined in IC 16-27-1-2).

(4) A health maintenance organization (as defined in IC 27-13-1-19).

(5) A health care organization whose members, shareholders, or partners are health care providers under subdivision (1).

(6) A corporation, partnership, or professional corporation not otherwise specified in this subsection that:

(A) provides health care as one (1) of the corporation's, partnership's, or professional corporation's functions;

(B) is organized or registered under state law; and

(C) is determined to be eligible for coverage as a health care provider under IC 34-18 for the corporation's, partnership's, or professional corporation's health care function.

(7) A person that is designated to maintain the records of a person

described in subdivisions (1) through (6).

(e) "Health care provider", for purposes of IC 16-45-4, has the meaning set forth in 47 CFR 54.601(a).

SECTION 6. IC 16-18-2-188.3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 188.3. "Individual with a communicable disease", for purposes of IC 16-41, means a person who has:**

(1) tuberculosis in a communicable state; or

(2) another serious communicable disease.

SECTION 7. IC 16-18-2-194.5, AS ADDED BY P.L.138-2006, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 194.5. "Isolation", for purposes of IC 16-41-9, means the physical separation, including confinement or restriction, of an individual or a group of individuals from the general public if the individual or group is infected with a ~~dangerous~~ **serious** communicable disease (as described in ~~IC 16-18-2-91~~ **IC 16-18-2-327.5** and 410 IAC 1-2.3-47), in order to prevent or limit the transmission of the disease to an uninfected individual.

SECTION 8. IC 16-18-2-302.6, AS ADDED BY P.L.138-2006, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 302.6. "Quarantine", for purposes of IC 16-41-9, means the physical separation, including confinement or restriction of movement, of an individual or a group of individuals who have been exposed to a ~~dangerous~~ **serious** communicable disease (as described in ~~IC 16-18-2-91~~ **IC 16-18-2-327.5** and 410 IAC 1-2.3-47), during the disease's period of communicability, in order to prevent or limit the transmission of the disease to an uninfected individual.

SECTION 9. IC 16-18-2-327.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 327.5. "Serious communicable disease", for purposes of IC 16-41, means a communicable disease that is classified by the state department as posing a serious health risk under IC 16-41-2-1.**

SECTION 10. IC 16-18-2-328 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 328. "Serious and present ~~danger~~ **risk** to the health of others", for purposes of IC 16-41-7

and IC 16-41-9, has the meaning set forth in IC 16-41-7-2.

SECTION 11. IC 16-21-7-4, AS AMENDED BY P.L.138-2006, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 4. With the approval of the budget director and upon the recommendation of the budget committee, each county that has incurred costs for ~~a carrier~~ **an individual with a communicable disease** under:

(1) IC 16-41-1;
(2) IC 16-41-2;
(3) IC 16-41-3;
(4) IC 16-41-5;
(5) IC 16-41-6;
(6) IC 16-41-7;
(7) IC 16-41-8;
(8) IC 16-41-9; or
(9) IC 16-41-13;

is entitled to a pro rata share of the money remaining at the end of the state fiscal year in the fund established under this chapter.

SECTION 12. IC 16-30-4-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1. The state department shall consider the following factors in determining the allocation to a political subdivision of resources or funds that are appropriated from the general fund to the state department for the prevention of the ~~spread~~ **transmission** of ~~acquired immune deficiency syndrome (AIDS):~~ **the human immunodeficiency virus (HIV):**

(1) The population size.
(2) The reported incidence of the human immunodeficiency virus (HIV).
(3) The availability of resources.

SECTION 13. IC 16-41-2-1, AS AMENDED BY P.L.218-2019, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1. (a) The state department may adopt rules under IC 4-22-2, including emergency rules under IC 4-22-2-37.1, that establish reporting, monitoring, and preventive procedures for communicable diseases.

(b) The state department shall publish a list of:

(1) reportable communicable diseases;

(2) other diseases or conditions that ~~are a danger to~~ **pose a serious** health **risk** based upon the characteristics of the disease or condition; and

(3) the control measures for the diseases and conditions;

on the state department's Internet web site. The state department is not required to adopt rules under subsection (a) for the list described in this subsection.

(c) In updating the list described in subsection (b), the state department:

(1) shall consider recommendations from:

(A) the United States Centers for Disease Control and Prevention; and

(B) the Council of State and Territorial Epidemiologists; and

(2) may consult with local health departments.

SECTION 14. IC 16-41-3-1, AS AMENDED BY P.L.1-2006, SECTION 304, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1. (a) The state department may adopt rules under IC 4-22-2 concerning the compilation for statistical purposes of information collected under IC 16-41-2.

(b) The state department shall adopt procedures to gather, monitor, and tabulate case reports of incidents involving ~~dangerous~~ **serious** communicable diseases or unnatural outbreaks of diseases known or suspected to be used as weapons. The state department shall specifically engage in medical surveillance, tabulation, and reporting of confirmed or suspected cases set forth by the Centers for Disease Control and Prevention of the United States Department of Health and Human Services and the United States Public Health Service of the United States Department of Health and Human Services.

(c) The state department shall notify the:

(1) department of homeland security;

(2) Indiana State Police; and

(3) county health department and local law enforcement agency having jurisdiction of each unnatural outbreak or reported case described in subsection (b);

as soon as possible after the state department receives a report under subsection (b). Notification under this subsection must be made not more than twenty-four (24) hours after receiving a report.

SECTION 15. IC 16-41-3-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 2. (a) The state department shall tabulate all case reports of tuberculosis and other ~~dangerous~~ **serious** communicable diseases reported under this article or under rules adopted under this article. The state department shall determine the prevalence and distribution of disease in Indiana and devise methods for restricting and controlling disease.

(b) The state department shall include the information on the prevalence and distribution of tuberculosis and other ~~dangerous~~ **serious** communicable diseases in the state department's annual report.

(c) The state department shall disseminate the information prepared under this section.

(d) The state department shall develop capabilities and procedures to perform preliminary analysis and identification in as close to a real time basis as is scientifically possible of unknown bacterial substances that have been or may be employed as a weapon. The state department shall implement the developed capacity and procedures immediately after the state department achieves a Level B capability as determined by the Centers for Disease Control and Prevention of the United States Department of Health and Human Services and the United States Public Health Service of the United States Department of Health and Human Services.

SECTION 16. IC 16-41-4-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1. The state department must provide information stressing the moral aspects of abstinence from sexual activity in any literature that the state department distributes to school children and young adults concerning available methods for the prevention of ~~acquired immune deficiency syndrome (AIDS).~~ **the human immunodeficiency virus (HIV).** Such literature must state that the best way to ~~avoid AIDS~~ **prevent HIV transmission as a result of sexual activity** is for young people to refrain from sexual activity until the young people are ready as adults to establish, in the context of marriage, a mutually faithful monogamous relationship.

SECTION 17. IC 16-41-4-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 2. The state department may not distribute ~~AIDS~~ **HIV** literature described in section 1 of this chapter to school children without the consent of the governing body of

the school corporation the school children attend.

SECTION 18. IC 16-41-5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 2. The health officer may make an investigation of each ~~carrier of a dangerous~~ **individual with a** communicable disease to determine whether the environmental conditions surrounding the ~~carrier~~ **individual with a communicable disease** or the conduct of the ~~carrier~~ **individual with a communicable disease** requires intervention by the health officer or designated health official to prevent the ~~spread~~ **transmission** of disease to others.

SECTION 19. IC 16-41-6-1, AS AMENDED BY P.L.129-2018, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1. (a) As used in this section, "physician's authorized representative" means:

(1) an advanced practice registered nurse (as defined by IC 25-23-1-1(b)) who is operating in collaboration with a licensed physician; or

(2) an individual acting under the supervision of a licensed physician and within the individual's scope of employment.

(b) ~~If~~ A physician or the physician's authorized representative ~~determines that it is medically necessary to conduct~~ **shall not order** an HIV test on an individual under the care of a physician ~~the physician, or physician's authorized representative may order the test if~~ **unless** the physician or the physician's authorized representative **does the following:**

(1) Informs the patient of the test, **orally or in writing.**

(2) Provides **the patient with** an explanation of the test **orally, in writing, by video, or by a combination of these methods.** ~~and~~

(3) Informs the patient of the patient's right to **ask questions and to** refuse the test.

Subject to ~~subsection (d),~~ **subsection (e),** if the patient refuses the test, the physician or the physician's authorized representative may not perform the test and shall document the patient's refusal in the patient's medical record.

(c) Unless it is clearly not feasible, the information delivered to the patient who is to be tested under subsection (b) must be provided in the native language or other communication used by the patient. If the patient is unable to read written materials, the

materials must be translated or read to the patient in a language the patient understands.

~~(c)~~ **(d)** After ordering an HIV test for a patient, the physician or the physician's authorized representative shall

~~(1) discuss with the patient the availability of counseling concerning the test results; and~~

~~(2)~~ notify the patient of the test results **and the availability of HIV and other bloodborne disease prevention counseling.**

If a test conducted under this section indicates that a patient is HIV ~~infected,~~ **positive,** in addition to the requirements set forth in IC 16-41-2, the physician or the physician's authorized representative shall inform the patient of **the availability of counseling and of the** treatment and referral options available to the patient.

~~(d)~~ **(e)** A physician or a physician's authorized representative may order an HIV test to be performed without informing the patient or the patient's representative (as defined in IC 16-36-1-2) of the test or regardless of the patient's or the patient's representative's refusal of the HIV test if any of the following conditions apply:

(1) If ordered by a physician, consent can be implied due to emergency circumstances and the test is medically necessary to diagnose or treat the patient's **emergent** condition.

(2) Under a court order based on clear and convincing evidence of a serious and present health threat to others posed by an individual. A **patient shall be notified of the patient's right to:**

(A) a hearing; **and**

(B) counsel;

before a hearing is held under this subdivision. **Any hearing conducted under this subdivision** shall be held in camera at the request of the individual.

(3) If the test is done on blood collected or tested anonymously as part of an epidemiologic survey under IC 16-41-2-3 or IC 16-41-17-10(a)(5).

(4) The test is ordered under section 4 of this chapter.

(5) The test is required or authorized under IC 11-10-3-2.5.

(6) The individual upon whom the test will be performed is described in IC 16-41-8-6 or IC 16-41-10-2.5.

(7) A court has ordered the individual to undergo testing for HIV

under IC 35-38-1-10.5(a) or IC 35-38-2-2.3(a)(17).

~~(8) Both of the following are met:~~

~~(A) The individual is not capable of providing consent and an authorized representative of the individual is not immediately available to provide consent or refusal of the test.~~

~~(B) A health care provider acting within the scope of the health care provider's employment comes into contact with the blood or body fluids of the individual in a manner that has been epidemiologically demonstrated to transmit HIV.~~

~~(e)~~ **(f)** The state department shall make HIV testing and treatment information from the federal Centers for Disease Control and Prevention available to health care providers.

~~(f)~~ **(g)** The state department may adopt rules under IC 4-22-2 necessary to implement this section.

SECTION 20. IC 16-41-6-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 2. (a) As used in this section, "informed consent" means authorization for **a** physical examination, made without undue inducement or any form of force, fraud, constraint, deceit, duress, or coercion after the following:

(1) A fair explanation of the examination, including the purpose, potential uses, limitations, and the fair meaning of the examination results.

(2) A fair explanation of the procedures to be followed, including the following:

(A) The voluntary nature of the examination.

(B) The right to withdraw consent to the examination process at any time.

(C) The right to anonymity to the extent provided by law with respect to participation in the examination and disclosure of examination results.

(D) The right to confidential treatment to the extent provided by law of information identifying the subject of the examination and the results of the examination.

(b) If the state health commissioner, the state health commissioner's legally authorized agent, or local health official has reasonable grounds to believe that an individual may have a communicable disease or other disease that **poses** ~~is~~ a ~~danger to~~ **serious** health **risk,** the state health

commissioner, the state health commissioner's legally authorized agent, or local health officer may ask the individual for written informed consent to be examined to prevent the transmission of the disease to other individuals.

(c) If the individual, when requested, refuses such an examination, the state health commissioner, the state health commissioner's legally authorized agent, or local health officer may compel the examination only upon a court order based on clear and convincing evidence of a serious and present health threat to others posed by the individual.

(d) A hearing held under this section shall be held in camera at the request of the individual.

SECTION 21. IC 16-41-6-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 11. (a) The state department shall adopt rules under IC 4-22-2 that include procedures:

(1) to inform the woman of the test results under this chapter, whether they are positive or negative;

(2) for explaining the side effects of any treatment for HIV if the test results under this chapter are positive; and

(3) to establish a process for a woman who tests positive under this chapter to appeal the woman's status on a waiting list on a treatment program for which the woman is eligible. The rule must:

(A) include a requirement that the state department make a determination in the process described in this subdivision not later than seventy-two (72) hours after the state department receives all the requested medical information; and

(B) set forth the necessary medical information that must be provided to the state department and reviewed by the state department in the process described in this subdivision.

(b) The state department shall maintain rules under IC 4-22-2 that set forth standards to provide to women who are pregnant, before delivery, at delivery, and after delivery, information concerning HIV. The rules must include:

(1) an explanation of the nature of AIDS and HIV;

(2) information concerning discrimination and legal protections;

(3) information concerning the duty to notify persons at risk as described in IC 16-41-7-1;

(4) information about risk behaviors for HIV transmission;

(5) information about the risk of transmission through breast feeding;

(6) notification that if the woman chooses not to be tested for HIV before delivery, at delivery the child will be tested subject to section 4 of this chapter;

(7) procedures for obtaining informed, written consent for testing under this chapter;

(8) procedures for post-test counseling by a health care provider when the test results are communicated to the woman, whether the results are positive or negative;

(9) procedures for referral for physical and emotional services if the test results are positive;

(10) procedures for explaining the importance of immediate entry into medical care if the test results are positive; and

(11) procedures for explaining that ~~giving birth by cesarean section may~~ **the use of antiretroviral drugs and other medical interventions** lessen the likelihood of ~~passing on~~ **transmitting** HIV to the child during childbirth. ~~especially when done in combination with medications, if the test results are positive.~~

SECTION 22. IC 16-41-7-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1. (a) This section applies to the following ~~dangerous~~ **serious** communicable diseases:

~~(1) Acquired immune deficiency syndrome (AIDS).~~

~~(2)~~ **(1)** Human immunodeficiency virus (HIV).

~~(3)~~ **(2)** Hepatitis B.

(b) As used in this section, "high risk activity" means sexual or needle sharing contact that has been ~~demonstrated~~ epidemiologically **demonstrated, as determined by the federal Centers for Disease Control and Prevention,** to **bear a significant risk of** ~~transmit~~ **transmitting** a ~~dangerous~~ **serious** communicable disease described in subsection (a).

(c) As used in this section, "person at risk" means:

(1) past and present sexual or needle sharing partners who may have engaged in high risk activity; or

(2) sexual or needle sharing partners before engaging in high risk activity;

with ~~the carrier~~ **an individual with a communicable disease who has**

~~of~~ a ~~dangerous~~ **serious** communicable disease described in subsection (a).

(d) ~~Carriers~~ **Individuals with a communicable disease** who know of their status as ~~a carrier~~ **an individual with a communicable disease and have** ~~of~~ a ~~dangerous~~ **serious** communicable disease described in subsection (a) have a duty to ~~warn~~ **inform** or cause to be ~~warned~~ **notified** by a third party a person at risk of the following:

(1) The ~~carrier's~~ **individual with a communicable disease's** disease status.

(2) The need to seek health care such as counseling and testing.

SECTION 23. IC 16-41-7-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 2. (a) ~~A carrier~~ **An individual with a communicable disease** is a "serious and present ~~danger~~ **risk** to the health of others" under the following conditions:

(1) The ~~carrier~~ **individual with a communicable disease** engages repeatedly in a behavior that has been demonstrated epidemiologically (as defined by rules adopted by the state department under IC 4-22-2) to transmit a ~~dangerous~~ **serious** communicable disease or that indicates a careless disregard for the transmission of the disease to others.

(2) The ~~carrier's~~ **individual with a communicable disease's** past behavior or statements indicate an imminent ~~danger~~ **risk** that the ~~carrier~~ **individual with a communicable disease** will engage in behavior that transmits a ~~dangerous~~ **serious** communicable disease to others.

(3) The ~~carrier~~ **individual with a communicable disease** has failed or refused to carry out the ~~carrier's~~ **individual with a communicable disease's** duty to ~~warn~~ **inform** under section 1 of this chapter.

(b) A person who has reasonable cause to believe that a person:

(1) is a serious and present ~~danger~~ **risk** to the health of others as described in subsection (a);

(2) has engaged in noncompliant behavior; or

(3) is suspected of being a person at risk (as described in section 1 of this chapter);

may report that information to a health officer.

(c) A person who makes a report under subsection (b) in good faith

is not subject to liability in a civil, an administrative, a disciplinary, or a criminal action.

(d) A person who knowingly or recklessly makes a false report under subsection (b) is civilly liable for actual damages suffered by a person reported on and for punitive damages.

SECTION 24. IC 16-41-7-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 3. (a) A licensed physician who diagnoses, treats, or counsels a patient with a ~~dangerous~~ **serious** communicable disease shall inform the patient of the patient's duty under section 1 of this chapter.

(b) A physician described in subsection (a) may notify the following:

(1) A health officer if the physician has reasonable cause to believe that a patient:

(A) is a serious and present ~~danger~~ **risk** to the health of others as described in section 2(a) of this chapter;

(B) has engaged in noncompliant behavior; or

(C) is suspected of being a person at risk (as defined in section 1 of this chapter).

(2) A person at risk (as defined in section 1 of this chapter) or a person legally responsible for the patient if the physician:

(A) has medical verification that the patient is ~~a carrier;~~ **an individual with a communicable disease;**

(B) knows the identity of the person at risk;

(C) has a reasonable belief of a significant risk of harm to the identified person at risk;

(D) has reason to believe the identified person at risk has not been informed and will not be informed of the risk by the patient or another person; and

(E) has made reasonable efforts to inform the ~~carrier~~ **individual with a communicable disease** of the physician's intent to make or cause the state department of health to make a disclosure to the person at risk.

(c) A physician who notifies a person at risk under this section shall do the following:

(1) Identify the ~~dangerous~~ **serious** communicable disease.

(2) Inform the person of available health care measures such as counseling and testing.

(d) A physician who in good faith provides notification under this section is not subject to liability in a civil, an administrative, a disciplinary, or a criminal action.

(e) A patient's privilege with respect to a physician under IC 34-46-3-1 is waived regarding:

(1) notification under subsection (b); and

(2) information provided about a patient's noncompliant behavior in an investigation or action under this chapter, IC 16-41-2, IC 16-41-3, IC 16-41-5, IC 16-41-6, IC 16-41-8, IC 16-41-9, IC 16-41-13, IC 16-41-14, and IC 16-41-16.

(f) A physician's immunity from liability under subsection (d) applies only to the provision of information reasonably calculated to protect an identified person who is at epidemiological risk of infection.

(g) A physician who notifies a person under this section is also required to satisfy the reporting requirements under IC 16-41-2-2 through IC 16-41-2-8.

SECTION 25. IC 16-41-7-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 4. (a) As used in this section, "person at risk" means an individual who in the best judgment of a licensed physician:

(1) has engaged in high risk activity (as defined in section 1 of this chapter); or

(2) is in imminent ~~danger~~ **risk** of engaging in high risk activity (as defined in section 1 of this chapter).

(b) If a health officer is notified in writing by a physician under section 3(b)(1)(A) of this chapter of a patient:

(1) for whom the physician has medical verification that the patient is ~~a carrier;~~ **an individual with a communicable disease;** and

(2) who, in the best judgment of the physician, is a serious and present ~~danger~~ **risk** to the health of others;

the health officer shall make an investigation of the ~~carrier~~ **individual with a communicable disease** as authorized in IC 16-41-5-2 to determine whether the environmental conditions surrounding the ~~carrier~~ **individual with a communicable disease** or the conduct of the ~~carrier~~ **individual with a communicable disease** requires the intervention by the health officer or designated health official to prevent the ~~spread~~

transmission of disease to others.

(c) If the state department is requested in writing by a physician who has complied with the requirements of section 3(b)(2) of this chapter to notify a person at risk, the state department shall notify the person at risk unless, in the opinion of the state department, the person at risk:

(1) has already been notified;

(2) will be notified; or

(3) will otherwise be made aware that the person is a person at risk.

(d) The state department shall establish a confidential registry of all persons submitting written requests under subsection (c).

(e) The state department shall adopt rules under IC 4-22-2 to implement this section. Local health officers may submit advisory guidelines to the state department to implement this chapter, IC 16-41-1, IC 16-41-3, IC 16-41-5, IC 16-41-8, or IC 16-41-9. The state department shall fully consider such advisory guidelines before adopting a rule under IC 4-22-2-29 implementing this chapter, IC 16-41-1, IC 16-41-3, IC 16-41-5, IC 16-41-8, or IC 16-41-9.

SECTION 26. IC 16-41-7.5-6, AS AMENDED BY P.L.198-2017, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 6. A qualified entity that operates a program under this chapter must do the following:

(1) Annually register the program in a manner prescribed by the state department with the:

(A) state department; and

(B) local health department in the county or municipality where services will be provided by the qualified entity if the qualified entity is not the local health department.

(2) Have one (1) of the following licensed in Indiana provide oversight to the qualified entity's programs:

(A) A physician.

(B) A registered nurse.

(C) A physician assistant.

(3) Store and dispose of all syringes and needles collected in a safe and legal manner.

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

drug.

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

(6) Provide syringe and needle distribution and collection without collecting or recording personally identifiable information.

(7) Operate in a manner consistent with public health and safety.

(8) Ensure the program is medically appropriate and part of a comprehensive public health response.

(9) Keep sufficient quantities of an overdose intervention drug (as defined in IC 16-18-2-263.9) in stock and to administer in accordance with IC 16-42-27.

(10) Provide testing for communicable diseases, and if an individual tests positive for a communicable disease, provide health care services or a referral to a health care provider for the services.

(11) Establish a referral process for program participants in need of:

(A) information or education concerning communicable diseases; or

(B) health care.

SECTION 27. IC 16-41-7.5-12, AS ADDED BY P.L.208-2015, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 12. **(a)** Before November 1 of each year, the state department shall submit a report concerning syringe exchange programs operated under this chapter to the governor and to the general assembly in an electronic format under IC 5-14-6.

(b) Before November 1, 2020, as part of the report to the general assembly required under subsection (a), the state department shall ensure the report includes the following additional information concerning the program:

(1) The number of programs operating in Indiana.

(2) The data, compiled for each program, reported to the state department under section 10 of this chapter.

(3) Any other information the state department deems relevant to the general assembly in assessing the effectiveness of having a program in the state.

SECTION 28. IC 16-41-7.5-14, AS AMENDED BY P.L.198-2017, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 14. This chapter expires July 1, ~~2021.~~ **2022.**

SECTION 29. IC 16-41-8-1, AS AMENDED BY P.L.218-2019, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1. (a) As used in this chapter, "potentially disease transmitting offense" means any of the following:

(1) Battery (IC 35-42-2-1) or domestic battery (IC 35-42-2-1.3) involving placing a bodily fluid or waste on another person.

(2) An offense relating to a criminal sexual act (as defined in IC 35-31.5-2-216), if sexual intercourse or other sexual conduct (as defined in IC 35-31.5-2-221.5) occurred.

The term includes an attempt to commit an offense, if sexual intercourse or other sexual conduct (as defined in IC 35-31.5-2-221.5) occurred, and a delinquent act that would be a crime if committed by an adult.

(b) Except as provided in this chapter, a person may not disclose or be compelled to disclose medical or epidemiological information involving a communicable disease or other **serious** disease ~~that is a danger to health~~ (as set forth in the list published under IC 16-41-2-1). This information may not be released or made public upon subpoena or otherwise, except under the following circumstances:

(1) Release may be made of medical or epidemiologic information for statistical purposes if done in a manner that does not identify an individual.

(2) Release may be made of medical or epidemiologic information with the written consent of all individuals identified in the information released.

(3) Release may be made of medical or epidemiologic information to the extent necessary to enforce public health laws, laws described in IC 31-37-19-4 through IC 31-37-19-6, IC 31-37-19-9 through IC 31-37-19-10, IC 31-37-19-12 through IC 31-37-19-23, IC 35-38-1-7.1, and IC 35-45-21-1 or to protect the health or life of a named party.

(4) Release may be made of the medical information of a person

in accordance with this chapter.

(c) Except as provided in this chapter, a person responsible for recording, reporting, or maintaining information required to be reported under IC 16-41-2 who recklessly, knowingly, or intentionally discloses or fails to protect medical or epidemiologic information classified as confidential under this section commits a Class A misdemeanor.

(d) In addition to subsection (c), a public employee who violates this section is subject to discharge or other disciplinary action under the personnel rules of the agency that employs the employee.

(e) Release shall be made of the medical records concerning an individual to:

(1) the individual;

(2) a person authorized in writing by the individual to receive the medical records; or

(3) a coroner under IC 36-2-14-21.

(f) An individual may voluntarily disclose information about the individual's communicable disease.

(g) The provisions of this section regarding confidentiality apply to information obtained under IC 16-41-1 through IC 16-41-16.

SECTION 30. IC 16-41-8-5, AS AMENDED BY P.L.65-2016, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 5. (a) This section does not apply to medical testing of an individual for whom an indictment or information is filed for a sex crime and for whom a request to have the individual tested under section 6 of this chapter is filed.

(b) The following definitions apply throughout this section:

(1) "Bodily fluid" means blood, human waste, or any other bodily fluid.

(2) ~~"Dangerous disease"~~ **"Serious disease"** means any of the following:

(A) Chancroid.

(B) Chlamydia.

(C) Gonorrhea.

(D) Hepatitis.

(E) Human immunodeficiency virus (HIV).

(F) Lymphogranuloma venereum.

(G) Syphilis.

(H) Tuberculosis.

(3) "Offense involving the transmission of a bodily fluid" means any offense (including a delinquent act that would be a crime if committed by an adult) in which a bodily fluid is transmitted from the defendant to the victim in connection with the commission of the offense.

(c) This subsection applies only to a defendant who has been charged with a potentially disease transmitting offense. At the request of an alleged victim of the offense, the parent, guardian, or custodian of an alleged victim who is less than eighteen (18) years of age, or the parent, guardian, or custodian of an alleged victim who is an endangered adult (as defined in IC 12-10-3-2), the prosecuting attorney shall petition a court to order a defendant charged with the commission of a potentially disease transmitting offense to submit to a screening test to determine whether the defendant is infected with a ~~dangerous~~ **serious** disease. In the petition, the prosecuting attorney must set forth information demonstrating that the defendant has committed a potentially disease transmitting offense. The court shall set the matter for hearing not later than forty-eight (48) hours after the prosecuting attorney files a petition under this subsection. The alleged victim, the parent, guardian, or custodian of an alleged victim who is less than eighteen (18) years of age, and the parent, guardian, or custodian of an alleged victim who is an endangered adult (as defined in IC 12-10-3-2) are entitled to receive notice of the hearing and are entitled to attend the hearing. The defendant and the defendant's counsel are entitled to receive notice of the hearing and are entitled to attend the hearing. If, following the hearing, the court finds probable cause to believe that the defendant has committed a potentially disease transmitting offense, the court may order the defendant to submit to a screening test for one (1) or more ~~dangerous~~ **serious** diseases. If the defendant is charged with battery (IC 35-42-2-1) or domestic battery (IC 35-42-2-1.3) involving placing a bodily fluid or waste on another person, the court may limit testing under this subsection to a test only for human immunodeficiency virus (HIV). However, the court may order additional testing for human immunodeficiency virus (HIV) as may be medically appropriate. The court shall take actions to ensure the confidentiality of evidence introduced at the hearing.

(d) This subsection applies only to a defendant who has been charged with an offense involving the transmission of a bodily fluid. At the request of an alleged victim of the offense, the parent, guardian, or custodian of an alleged victim who is less than eighteen (18) years of age, or the parent, guardian, or custodian of an alleged victim who is an endangered adult (as defined in IC 12-10-3-2), the prosecuting attorney shall petition a court to order a defendant charged with the commission of an offense involving the transmission of a bodily fluid to submit to a screening test to determine whether the defendant is infected with a ~~dangerous~~ **serious** disease. In the petition, the prosecuting attorney must set forth information demonstrating that:

(1) the defendant has committed an offense; and

(2) a bodily fluid was transmitted from the defendant to the victim in connection with the commission of the offense.

The court shall set the matter for hearing not later than forty-eight (48) hours after the prosecuting attorney files a petition under this subsection. The alleged victim of the offense, the parent, guardian, or custodian of an alleged victim who is less than eighteen (18) years of age, and the parent, guardian, or custodian of an alleged victim who is an endangered adult (as defined in IC 12-10-3-2) are entitled to receive notice of the hearing and are entitled to attend the hearing. The defendant and the defendant's counsel are entitled to receive notice of the hearing and are entitled to attend the hearing. If, following the hearing, the court finds probable cause to believe that the defendant has committed an offense and that a bodily fluid was transmitted from the defendant to the alleged victim in connection with the commission of the offense, the court may order the defendant to submit to a screening test for one (1) or more ~~dangerous~~ **serious** diseases. If the defendant is charged with battery (IC 35-42-2-1) or domestic battery (IC 35-42-2-1.3) involving placing bodily fluid or waste on another person, the court may limit testing under this subsection to a test only for human immunodeficiency virus (HIV). However, the court may order additional testing for human immunodeficiency virus (HIV) as may be medically appropriate. The court shall take actions to ensure the confidentiality of evidence introduced at the hearing.

(e) The testimonial privileges applying to communication between a husband and wife and between a health care provider and the health

care provider's patient are not sufficient grounds for not testifying or providing other information at a hearing conducted in accordance with this section.

(f) A health care provider (as defined in IC 16-18-2-163) who discloses information that must be disclosed to comply with this section is immune from civil and criminal liability under Indiana statutes that protect patient privacy and confidentiality.

(g) The results of a screening test conducted under this section shall be kept confidential if the defendant ordered to submit to the screening test under this section has not been convicted of the potentially disease transmitting offense or offense involving the transmission of a bodily fluid with which the defendant is charged. The results may not be made available to any person or public or private agency other than the following:

(1) The defendant and the defendant's counsel.

(2) The prosecuting attorney.

(3) The department of correction or the penal facility, juvenile detention facility, or secure private facility where the defendant is housed.

(4) The alleged victim or the parent, guardian, or custodian of an alleged victim who is less than eighteen (18) years of age, or the parent, guardian, or custodian of an alleged victim who is an endangered adult (as defined in IC 12-10-3-2), and the alleged victim's counsel.

The results of a screening test conducted under this section may not be admitted against a defendant in a criminal proceeding or against a child in a juvenile delinquency proceeding.

(h) As soon as practicable after a screening test ordered under this section has been conducted, the alleged victim or the parent, guardian, or custodian of an alleged victim who is less than eighteen (18) years of age, or the parent, guardian, or custodian of an alleged victim who is an endangered adult (as defined in IC 12-10-3-2), and the victim's counsel shall be notified of the results of the test.

(i) An alleged victim may disclose the results of a screening test to which a defendant is ordered to submit under this section to an individual or organization to protect the health and safety of or to seek compensation for:

(1) the alleged victim;

(2) the alleged victim's sexual partner; or

(3) the alleged victim's family.

(j) The court shall order a petition filed and any order entered under this section sealed.

(k) A person that knowingly or intentionally:

(1) receives notification or disclosure of the results of a screening test under this section; and

(2) discloses the results of the screening test in violation of this section;

commits a Class B misdemeanor.

SECTION 31. IC 16-41-9-1.5, AS AMENDED BY P.L.109-2015, SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1.5. (a) If a public health authority has reason to believe that:

(1) an individual:

(A) has been infected with; or

(B) has been exposed to;

a ~~dangerous~~ **serious** communicable disease or outbreak; and

(2) the individual is likely to cause the infection of an uninfected individual if the individual is not restricted in the individual's ability to come into contact with an uninfected individual;

the public health authority may petition a circuit or superior court for an order imposing isolation or quarantine on the individual. A petition for isolation or quarantine filed under this subsection must be verified and include a brief description of the facts supporting the public health authority's belief that isolation or quarantine should be imposed on an individual, including a description of any efforts the public health authority made to obtain the individual's voluntary compliance with isolation or quarantine before filing the petition.

(b) Except as provided in subsections (e) and (k), an individual described in subsection (a) is entitled to notice and an opportunity to be heard, in person or by counsel, before a court issues an order imposing isolation or quarantine. A court may restrict an individual's right to appear in person if the court finds that the individual's personal appearance is likely to expose an uninfected person to a ~~dangerous~~ **serious** communicable disease or outbreak.

(c) If an individual is restricted from appearing in person under subsection (b), the court shall hold the hearing in a manner that allows all parties to fully and safely participate in the proceedings under the circumstances.

(d) If the public health authority proves by clear and convincing evidence that:

(1) an individual has been infected or exposed to a ~~dangerous~~ **serious** communicable disease or outbreak; and

(2) the individual is likely to cause the infection of an uninfected individual if the individual is not restricted in the individual's ability to come into contact with an uninfected individual;

the court may issue an order imposing isolation or quarantine on the individual. The court shall establish the conditions of isolation or quarantine, including the duration of isolation or quarantine. The court shall impose the least restrictive conditions of isolation or quarantine that are consistent with the protection of the public.

(e) If the public health authority has reason to believe that an individual described in subsection (a) is likely to expose an uninfected individual to a ~~dangerous~~ **serious** communicable disease or outbreak before the individual described in subsection (a) can be provided with notice and an opportunity to be heard, the public health authority may seek in a circuit or superior court an emergency order of quarantine or isolation by filing a verified petition for emergency quarantine or isolation. The verified petition must include a brief description of the facts supporting the public health authority's belief that:

(1) isolation or quarantine should be imposed on an individual; and

(2) the individual described in subsection (a) may expose an uninfected individual to a ~~dangerous~~ **serious** communicable disease or outbreak before the individual described in subsection (a) can be provided with notice and an opportunity to be heard.

The verified petition must include a description of any efforts the public health authority made to obtain the individual's voluntary compliance with isolation or quarantine before filing the petition.

(f) If the public health authority proves by clear and convincing evidence that:

(1) an individual has been infected or exposed to a ~~dangerous~~

serious communicable disease or outbreak;

(2) the individual is likely to cause the infection of an uninfected individual if the individual is not restricted in the individual's ability to come into contact with an uninfected individual; and

(3) the individual may expose an uninfected individual to a ~~dangerous~~ **serious** communicable disease or outbreak before the individual can be provided with notice and an opportunity to be heard;

the court may issue an emergency order imposing isolation or quarantine on the individual. The court shall establish the duration and other conditions of isolation or quarantine. The court shall impose the least restrictive conditions of isolation or quarantine that are consistent with the protection of the public.

(g) A court may issue an emergency order of isolation or quarantine without the verified petition required under subsection (e) if the court receives sworn testimony of the same facts required in the verified petition:

(1) in a nonadversarial, recorded hearing before the judge;

(2) orally by telephone or radio;

(3) in writing by facsimile transmission (fax); or

(4) through other electronic means approved by the court.

If the court agrees to issue an emergency order of isolation or quarantine based upon information received under subdivision (2), the court shall direct the public health authority to sign the judge's name and to write the time and date of issuance on the proposed emergency order. If the court agrees to issue an emergency order of isolation or quarantine based upon information received under subdivision (3), the court shall direct the public health authority to transmit a proposed emergency order to the court, which the court shall sign, add the date of issuance, and transmit back to the public health authority. A court may modify the conditions of a proposed emergency order.

(h) If an emergency order of isolation or quarantine is issued under subsection (g)(2), the court shall record the conversation on audiotape and order the court reporter to type or transcribe the recording for entry in the record. The court shall certify the audiotape, the transcription, and the order retained by the judge for entry in the record.

(i) If an emergency order of isolation or quarantine is issued under

subsection (g)(3), the court shall order the court reporter to retype or copy the facsimile transmission for entry in the record. The court shall certify the transcription or copy and order retained by the judge for entry in the record.

(j) The clerk shall notify the public health authority who received an emergency order under subsection (g)(2) or (g)(3) when the transcription or copy required under this section is entered in the record. The public health authority shall sign the typed, transcribed, or copied entry upon receiving notice from the court reporter.

(k) The public health authority may issue an immediate order imposing isolation or quarantine on an individual if exigent circumstances, including the number of affected individuals, exist that make it impracticable for the public health authority to seek an order from a court, and obtaining the individual's voluntary compliance is or has proven impracticable or ineffective. An immediate order of isolation or quarantine expires after seventy-two (72) hours, excluding Saturdays, Sundays, and legal holidays, unless renewed in accordance with subsection (l). The public health authority shall establish the other conditions of isolation or quarantine. The public health authority shall impose the least restrictive conditions of isolation or quarantine that are consistent with the protection of the public. If the immediate order applies to a group of individuals and it is impracticable to provide individual notice, the public health authority shall post a copy of the order where it is likely to be seen by individuals subject to the order.

(l) The public health authority may seek to renew an order of isolation or quarantine or an immediate order of isolation or quarantine issued under this section by doing the following:

(1) By filing a petition to renew the emergency order of isolation or quarantine or the immediate order of isolation or quarantine with:

(A) the court that granted the emergency order of isolation or quarantine; or

(B) a circuit or superior court, in the case of an immediate order.

The petition for renewal must include a brief description of the facts supporting the public health authority's belief that the individual who is the subject of the petition should remain in

isolation or quarantine and a description of any efforts the public health authority made to obtain the individual's voluntary compliance with isolation or quarantine before filing the petition.

(2) By providing the individual who is the subject of the emergency order of isolation or quarantine or the immediate order of isolation or quarantine with a copy of the petition and notice of the hearing at least twenty-four (24) hours before the time of the hearing.

(3) By informing the individual who is the subject of the emergency order of isolation or quarantine or the immediate order of isolation or quarantine that the individual has the right to:

(A) appear, unless the court finds that the individual's personal appearance may expose an uninfected person to a ~~dangerous~~ **serious** communicable disease or outbreak;

(B) cross-examine witnesses; and

(C) counsel, including court appointed counsel in accordance with subsection (c).

(4) If:

(A) the petition applies to a group of individuals; and

(B) it is impracticable to provide individual notice;

by posting the petition in a conspicuous location on the isolation or quarantine premises.

(m) If the public health authority proves by clear and convincing evidence at a hearing under subsection (l) that:

(1) an individual has been infected or exposed to a ~~dangerous~~ **serious** communicable disease or outbreak; and

(2) the individual is likely to cause the infection of an uninfected individual if the individual is not restricted in the individual's ability to come into contact with an uninfected individual;

the court may renew the existing order of isolation or quarantine or issue a new order imposing isolation or quarantine on the individual. The court shall establish the conditions of isolation or quarantine, including the duration of isolation or quarantine. The court shall impose the least restrictive conditions of isolation or quarantine that are consistent with the protection of the public.

(n) Unless otherwise provided by law, a petition for isolation or quarantine, or a petition to renew an immediate order for isolation or

quarantine, may be filed in a circuit or superior court in any county. Preferred venue for a petition described in this subsection is:

(1) the county or counties (if the area of isolation or quarantine includes more than one (1) county) where the individual, premises, or location to be isolated or quarantined is located; or

(2) a county adjacent to the county or counties (if the area of isolation or quarantine includes more than one (1) county) where the individual, premises, or location to be isolated or quarantined is located.

This subsection does not preclude a change of venue for good cause shown.

(o) Upon the motion of any party, or upon its own motion, a court may consolidate cases for a hearing under this section if:

(1) the number of individuals who may be subject to isolation or quarantine, or who are subject to isolation or quarantine, is so large as to render individual participation impractical;

(2) the law and the facts concerning the individuals are similar; and

(3) the individuals have similar rights at issue.

A court may appoint an attorney to represent a group of similarly situated individuals if the individuals can be adequately represented. An individual may retain his or her own counsel or proceed pro se.

(p) A public health authority that imposes a quarantine that is not in the person's home:

(1) shall allow the parent or guardian of a child who is quarantined under this section; and

(2) may allow an adult;

to remain with the quarantined individual in quarantine. As a condition of remaining with the quarantined individual, the public health authority may require a person described in subdivision (2) who has not been exposed to a ~~dangerous~~ **serious** communicable disease to receive an immunization or treatment for the disease or condition, if an immunization or treatment is available and if requiring immunization or treatment does not violate a constitutional right.

(q) If an individual who is quarantined under this section is the sole parent or guardian of one (1) or more children who are not quarantined, the child or children shall be placed in the residence of a relative, friend,

or neighbor of the quarantined individual until the quarantine period has expired. Placement under this subsection must be in accordance with the directives of the parent or guardian, if possible.

(r) State and local law enforcement agencies shall cooperate with the public health authority in enforcing an order of isolation or quarantine.

(s) The court shall appoint an attorney to represent an indigent individual in an action brought under this chapter or under IC 16-41-6. If funds to pay for the court appointed attorney are not available from any other source, the state department may use the proceeds of a grant or loan to reimburse the county, state, or attorney for the costs of representation.

(t) A person who knowingly or intentionally violates a condition of isolation or quarantine under this chapter commits violating quarantine or isolation, a Class A misdemeanor.

(u) The state department shall adopt rules under IC 4-22-2 to implement this section, including rules to establish guidelines for:

(1) voluntary compliance with isolation and quarantine;

(2) quarantine locations and logistical support; and

(3) moving individuals to and from a quarantine location.

The absence of rules adopted under this subsection does not preclude the public health authority from implementing any provision of this section.

SECTION 32. IC 16-41-9-1.7, AS ADDED BY P.L.138-2006, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1.7. (a) An immunization program established by a public health authority to combat a public health emergency involving a ~~dangerous~~ **serious** communicable disease must comply with the following:

(1) The state department must develop and distribute or post information concerning the risks and benefits of immunization.

(2) No person may be required to receive an immunization without that person's consent. No child may be required to receive an immunization without the consent of the child's parent, guardian, or custodian. The state department may implement the procedures described in section 1.5 of this chapter concerning a person who refuses to receive an immunization or the child of a parent, guardian, or custodian who refuses to consent to the child

receiving an immunization.

(b) The state department shall adopt rules to implement this section. The absence of rules adopted under this subsection does not preclude the public health authority from implementing any provision of this section.

SECTION 33. IC 16-41-9-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 3. (a) The local health officer may exclude from school a student who has a ~~dangerous~~ **serious** communicable disease that:

(1) is transmissible through normal school contacts; and

(2) poses a substantial threat to the health and safety of the school community.

(b) If the local health officer subsequently determines that a student who has been excluded from school under subsection (a) does not have a ~~dangerous~~ **serious** communicable disease that:

(1) is transmissible through normal school contacts; and

(2) poses a substantial threat to the health and safety of the school community;

the local health officer shall issue a certificate of health to admit or readmit the student to school.

(c) A person who objects to the determination made by the local health officer under this section may appeal to the executive board of the state department, which is the ultimate authority. IC 4-21.5 applies to proceedings under this section.

SECTION 34. IC 16-41-9-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 5. (a) If a designated health official determines that ~~a carrier~~ **an individual with a communicable disease** has a ~~dangerous~~ **serious** communicable disease and has reasonable grounds to believe that the ~~carrier~~ **individual with a communicable disease** is mentally ill and either dangerous or gravely disabled, the designated health official may request:

(1) immediate detention under IC 12-26-4; or

(2) emergency detention under IC 12-26-5;

for the purpose of having the ~~carrier~~ **individual with a communicable disease** apprehended, detained, and examined. The designated health official may provide to the superintendent of the psychiatric hospital or center or the attending physician information about the ~~carrier's~~

communicable disease status **of the individual with a communicable disease.** Communications under this subsection do not constitute a breach of confidentiality.

(b) If the written report required under IC 12-26-5-5 states there is probable cause to believe the ~~carrier~~ **individual with a communicable disease** is mentally ill and either dangerous or gravely disabled and requires continuing care and treatment, proceedings may continue under IC 12-26.

(c) If the written report required under IC 12-26-5-5 states there is not probable cause to believe the ~~carrier~~ **individual with a communicable disease** is mentally ill and either dangerous or gravely disabled and requires continuing care and treatment, the ~~carrier~~ **individual with a communicable disease** shall be referred to the designated health official who may take action under this article.

SECTION 35. IC 16-41-9-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 6. (a) The chief medical officer of a hospital or other institutional facility may direct that ~~a carrier~~ **an individual with a communicable disease** detained under this article be placed apart from the others and restrained from leaving the facility. ~~A carrier~~ **An individual with a communicable disease** detained under this article shall observe all the rules of the facility or is subject to further action before the committing court.

(b) ~~A carrier~~ **An individual with a communicable disease** detained under this article who leaves a tuberculosis hospital or other institutional facility without being authorized to leave or who fails to return from an authorized leave without having been formally discharged is considered absent without leave.

(c) The sheriff of the county in which ~~a carrier~~ **an individual with a communicable disease** referred to in subsection (b) is found shall apprehend the ~~carrier~~ **individual with a communicable disease** and return the ~~carrier~~ **individual with a communicable disease** to the facility at which the ~~carrier~~ **individual with a communicable disease** was being detained upon written request of the superintendent of the facility. Expenses incurred under this section are treated as expenses described in section 13 of this chapter.

SECTION 36. IC 16-41-9-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 7. (a) ~~A carrier~~ **An**

individual with a communicable disease who:

(1) poses a serious and present ~~danger~~ **risk** to the health of others;

(2) has been voluntarily admitted to a hospital or other facility for the treatment of tuberculosis or another ~~dangerous~~ **serious** communicable disease; and

(3) who leaves the facility without authorized leave or against medical advice or who fails to return from authorized leave;

shall be reported to a health officer by the facility not more than twenty-four (24) hours after discovery of the ~~carrier's~~ **individual with a communicable disease's** absence.

(b) If a health officer fails or refuses to institute or complete necessary legal measures to prevent a health threat (as defined in IC 16-41-7-2) by the ~~carrier,~~ **individual with a communicable disease,** the case shall be referred to a designated health official for appropriate action under this article.

SECTION 37. IC 16-41-9-8, AS AMENDED BY P.L.1-2007, SECTION 139, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 8. (a) A local health officer may file a report with the court that states that ~~a carrier~~ **an individual with a communicable disease** who has been detained under this article may be discharged without danger to the health or life of others.

(b) The court may enter an order of release based on information presented by the local health officer or other sources.

SECTION 38. IC 16-41-9-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 9. (a) Not more than thirty (30) days after the proposed release from a state penal institution of a prisoner who is known to have:

(1) tuberculosis in a communicable stage; or

(2) ~~other dangerous~~ **another serious** communicable disease;

the chief administrative officer of the penal institution shall report to the state department the name, address, age, sex, and date of release of the prisoner.

(b) The state department shall provide the information furnished the state department under subsection (a) to the health officer having jurisdiction over the prisoner's destination address.

(c) Each health officer where the prisoner may be found has jurisdiction over the released prisoner.

SECTION 39. IC 16-41-9-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 10. (a) The administrator of a hospital or other facility for the treatment of tuberculosis or other ~~dangerous~~ **serious** communicable disease may transfer or authorize the transfer of a nonresident indigent ~~carrier~~ **individual with a communicable disease** to the ~~carrier's~~ state or county of legal residence **of the individual with a communicable disease** if the ~~carrier~~ **individual with a communicable disease** is able to travel. If the ~~carrier~~ **individual with a communicable disease** is unable to travel, the administrator may have the ~~carrier~~ **individual with a communicable disease** hospitalized until the ~~carrier~~ **individual with a communicable disease** is able to travel.

(b) Costs for the travel and hospitalization authorized by this section shall be paid by the:

(1) ~~carrier~~ **individual with a communicable disease** under section 13 of this chapter; or

(2) state department if the ~~carrier~~ **individual with a communicable disease** cannot pay the full cost.

SECTION 40. IC 16-41-9-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 12. (a) The superintendent or the chief executive officer of the facility to which ~~a carrier~~ **an individual with a communicable disease** has been ordered under this chapter may decline to admit a patient if the superintendent or chief executive officer determines that there is not available adequate space, treatment staff, or treatment facilities appropriate to the needs of the patient.

(b) The state department may commence an action under IC 4-21.5-3-6 or IC 4-21.5-4 for issuance of an order of compliance and a civil penalty not to exceed one thousand dollars ($1,000) per violation per day against a person who:

(1) fails to comply with IC 16-41-1 through IC 16-41-3, IC 16-41-5 through IC 16-41-9, IC 16-41-13, IC 16-41-14, or IC 16-41-16 or a rule adopted under these chapters; or

(2) interferes with or obstructs the state department or the state department's designated agent in the performance of official duties under IC 16-41-1 through IC 16-41-3, IC 16-41-5 through IC 16-41-9, IC 16-41-13, IC 16-41-14, or IC 16-41-16 or a rule

adopted under these chapters.

(c) The state department may commence an action against a facility licensed by the state department under either subsection (b) or the licensure statute for that facility, but the state department may not bring an action arising out of one (1) incident under both statutes.

SECTION 41. IC 16-41-9-13, AS AMENDED BY P.L.138-2006, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 13. (a) The court shall determine what part of the cost of care or treatment ordered by the court, if any, the ~~carrier~~ **individual with a communicable disease** can pay and whether there are other available sources of public or private funding responsible for payment of the ~~carrier's~~ **individual's** care or treatment. The ~~carrier~~ **individual with a communicable disease** shall provide the court documents and other information necessary to determine financial ability. If the ~~carrier~~ **individual with a communicable disease** cannot pay the full cost of care and other sources of public or private funding responsible for payment of the ~~carrier's~~ **individual's** care or treatment are not available, the county is responsible for the cost. If the ~~carrier:~~ **individual with a communicable disease:**

(1) provides inaccurate or misleading information; or

(2) later becomes able to pay the full cost of care;

the ~~carrier~~ **individual with a communicable disease** becomes liable to the county for costs paid by the county.

(b) Except as provided in subsections (c) and (d), the costs incurred by the county under this chapter are limited to the costs incurred under section 1.5 of this chapter.

(c) However, subsection (b) does not relieve the county of the responsibility for the costs of ~~a carrier~~ **an individual with a communicable disease** who is ordered by the court under this chapter to a county facility.

(d) Costs, other than costs described in subsections (b) and (c) that are incurred by the county for care ordered by the court under this chapter, shall be reimbursed by the state under IC 16-21-7 to the extent funds have been appropriated for reimbursement.

SECTION 42. IC 16-41-9-15, AS ADDED BY P.L.16-2009, SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 15. In carrying out its duties under

this chapter, a public health authority shall attempt to seek the cooperation of cases, ~~carriers~~, **individuals with a communicable disease,** contacts, or suspect cases to implement the least restrictive but medically necessary procedures to protect the public health.

SECTION 43. IC 16-41-10-2, AS AMENDED BY P.L.131-2018, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 2. (a) This section applies to the following:

(1) An emergency medical services provider who is exposed to blood and body fluids while providing emergency medical services to a patient.

(2) A law enforcement officer who is exposed to blood and body fluids while performing the law enforcement officer's official duties.

(3) A health care provider who is exposed to blood and body fluids while providing medical care to a patient.

(b) An emergency medical services provider, **a health care provider,** or a law enforcement officer may request notification concerning exposure to a ~~dangerous~~ **serious** communicable disease under this chapter if the exposure is of a type that has been demonstrated epidemiologically to transmit a ~~dangerous~~ **serious** communicable disease.

(c) If an emergency medical services provider, **a health care provider,** or a law enforcement officer desires to be notified of results of testing following a possible exposure to a ~~dangerous~~ **serious** communicable disease under this chapter, the emergency medical services provider, **health care provider,** or law enforcement officer shall notify the emergency medical services provider's, **health care provider's,** or law enforcement officer's employer not more than twenty-four (24) hours after the emergency medical services provider, **health care provider,** or law enforcement officer is exposed on a form that is prescribed by the state department and the Indiana emergency medical services commission.

(d) The emergency medical services provider, **health care provider,** or law enforcement officer shall distribute a copy of the completed form required under subsection (c) to the following:

(1) If applicable, the medical director of the emergency department of the medical facility:

(A) to which the patient was admitted following the exposure; or

(B) in which the patient was located at the time of the exposure.

(2) The emergency medical services provider's, **health care provider's,** or law enforcement officer's employer.

(3) The state department.

SECTION 44. IC 16-41-10-2.5, AS AMENDED BY P.L.224-2019, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 2.5. (a) A patient (including a patient who is unable to consent due to physical or mental incapacity) to whose blood or body fluids an emergency medical services provider, **a health care provider,** or a law enforcement officer is exposed as described in section 2 of this chapter is considered to have consented to:

(1) testing for the presence of a ~~dangerous~~ **serious** communicable disease of a type that has been epidemiologically demonstrated to be transmittable by an exposure of the kind experienced by the emergency medical services provider, **health care provider,** or law enforcement officer; and

(2) release of the testing results to a medical director or physician described in section 3 of this chapter.

The medical director or physician shall notify the emergency medical services provider, **health care provider,** or law enforcement officer of the test results.

(b) If a patient described in subsection (a) refuses to provide a blood or body fluid specimen for testing for a ~~dangerous~~ **serious** communicable disease, the exposed emergency medical services provider, **health care provider,** or law enforcement officer, the exposed emergency medical services provider's, **health care provider's,** or law enforcement officer's employer, or the state department may petition the circuit or superior court having jurisdiction in the county:

(1) of the patient's residence; or

(2) where the employer of the exposed emergency medical services provider, **health care provider,** or law enforcement officer has the employer's principal office;

for an order requiring that the patient provide a blood or body fluid

specimen, including an emergency order for a blood or body fluid specimen under section 2.6 of this chapter.

(c) If a patient described in subsection (a) refuses to provide a blood or body fluid specimen for testing for a dangerous communicable disease, and that patient is a witness, bystander, or victim of alleged criminal activity (IC 35-31.5-2-73), the exposed emergency medical services provider, **health care provider,** or law enforcement officer, the exposed emergency medical services provider's, **health care provider's,** or law enforcement officer's employer, or the state department may submit the form described in section 2 of this chapter to the medical director or physician of a hospital licensed under IC 16-21-2, IC 16-22-2, or IC 16-23-1. The medical director or physician described in this section shall notify the emergency medical services provider, **health care provider,** or law enforcement officer of the test results not more than forty-eight (48) hours after the medical director or physician receives the test results.

SECTION 45. IC 16-41-10-2.6, AS AMENDED BY THE TECHNICAL CORRECTIONS BILL OF THE 2020 GENERAL ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 2.6. (a) This section applies to:

(1) an emergency medical services provider; ~~and~~

(2) a law enforcement officer; **and**

(3) a health care provider;

who ~~has~~ **have** been exposed to blood or body fluids as described in section 2(a) of this chapter.

(b) A person to whom this ~~chapter~~ **section** applies may submit an emergency application for a blood or body fluid specimen to a circuit or superior court having jurisdiction to issue a warrant.

(c) An emergency application for a blood or body fluid specimen must be verified and include the following information:

(1) The name and employing agency of the person exposed to the blood or body fluids.

(2) The name of the patient to whose blood or body fluids the person has been exposed.

(3) A concise description of the circumstances under which the exposure occurred.

(4) A concise explanation of why immediate testing is necessary.

(5) Any other information required by the court.

(d) If it appears from the emergency application for a blood or body fluid specimen that:

(1) the person exposed to the blood or body fluid is a person to whom this section applies; and

(2) immediate testing is necessary;

the court shall approve the emergency application for a blood or body fluid specimen ex parte, without notice or a hearing, and issue an emergency order requiring the patient to whose blood or body fluid the emergency medical services provider, **health care provider,** or law enforcement officer has been exposed to provide a blood or body fluid specimen for testing.

SECTION 46. IC 16-41-10-3, AS AMENDED BY P.L.131-2018, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 3. (a) Except as provided in subsection (b), if a patient to whose blood or body fluids an emergency medical services provider, **health care provider,** or a law enforcement officer is exposed as described in section 2 of this chapter:

(1) is admitted to a medical facility following the exposure or is located in a medical facility at the time of the exposure, a physician designated by the medical facility shall, not more than seventy-two (72) hours after the medical facility is notified under section 2 of this chapter:

(A) cause a blood or body fluid specimen to be obtained from the patient and testing to be performed for a ~~dangerous~~ **serious** communicable disease of a type that has been epidemiologically demonstrated to be transmittable by an exposure of the kind experienced by the emergency medical services provider, **health care provider,** or law enforcement officer; and

(B) notify the medical director of the emergency medical services provider's **or health care provider's,** employer or a physician as designated under subsection (b) or (c); or

(2) is not described in subdivision (1), the exposed emergency medical services provider, **health care provider,** or law enforcement officer, the exposed emergency medical services provider's, **health care provider's,** or law enforcement officer's

employer, or the state department may:

(A) arrange for testing of the patient as soon as possible; or

(B) petition the circuit or superior court having jurisdiction in the county of the patient's residence or where the employer of the exposed emergency medical services provider, **health care provider,** or law enforcement officer has the employer's principal office for an order requiring that the patient provide a blood or body fluid specimen.

(b) An emergency medical services provider **or health care provider** may, on the form described in section 2 of this chapter, designate a physician other than the medical director of the emergency medical services provider's employer **or health care provider's employer** to receive the test results.

(c) A law enforcement officer shall, on the form described in section 2 of this chapter, designate a physician to receive the test results.

(d) The medical director or physician described in this section shall notify the emergency medical services provider, **health care provider,** or law enforcement officer of the test results not more than forty-eight (48) hours after the medical director or physician receives the test results.

SECTION 47. IC 16-41-10-3.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 3.5. (a) A medical facility may not physically restrain a patient described in section 2.5 of this chapter in order to test the patient for the presence of a ~~dangerous~~ **serious** communicable disease.

(b) Nothing in this chapter prohibits a patient from being discharged from a medical facility before:

(1) a test is performed under section 2.5 or 3 of this chapter; or

(2) the results of a test are released under section 3 of this chapter.

(c) A provider or a facility that tests a patient for the presence of a ~~dangerous~~ **serious** communicable disease under section 2.5 or ~~section~~ 3 of this chapter is immune from liability for the performance of the test over the patient's objection or without the patient's consent. However, this subsection does not apply to an act or omission that constitutes gross negligence or willful or wanton misconduct.

SECTION 48. IC 16-41-10-4, AS AMENDED BY P.L.131-2018, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

JULY 1, 2020]: Sec. 4. (a) A medical director or physician notified under section 3 of this chapter shall, not more than forty-eight (48) hours after receiving the notification under section 3 of this chapter, contact the emergency medical services provider, **health care provider,** or law enforcement officer described in section 2 of this chapter to do the following:

(1) Explain, without disclosing information about the patient, the ~~dangerous~~ **serious** communicable disease to which the emergency medical services provider, **health care provider,** or law enforcement officer was exposed.

(2) Provide for any medically necessary treatment and counseling to the emergency medical services provider, **health care provider,** or law enforcement officer.

(b) Expenses of testing or treatment and counseling are the responsibility of the emergency medical services provider, **health care provider,** or the provider's or law enforcement officer's employer.

SECTION 49. IC 16-41-11-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 3. As used in this chapter, "universal precautions" means procedures specified by rule adopted by the state department under IC 4-22-2 that are used to prevent the transmission of ~~dangerous~~ **serious** communicable diseases ~~including acquired immune deficiency syndrome (AIDS),~~ through blood or other body fluids.

SECTION 50. IC 16-41-13-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1. (a) The attending physician or health care provider shall prepare and attach to the body of a deceased individual a conspicuous notice with the statement: "Observe Body Fluid Precautions" whenever the physician or provider knows that at least one (1) of the following disease processes was present in the deceased at the time of death:

(1) Hepatitis (Types B ~~non A, non B).~~ **and C).**

(2) Human immunodeficiency virus (HIV) infection. ~~(acquired immune deficiency syndrome and AIDS related complex).~~

(3) Tuberculosis.

(4) Herpes.

(5) Gonorrhea.

(6) Syphilis (primary and secondary).

(7) Burkett's lymphoma.
(8) Kaposi's sarcoma.
(9) Arthropod-borne viral diseases.
(10) Babesiosis.
(11) Creutzfeldt-Jakob disease.
(12) Leptospirosis.
(13) Malaria.
(14) Rat-bite fever.
(15) Relapsing fever.
(16) Y. Pestis.
(17) Hemorrhagic fevers.
(18) Rabies.
(19) Any other communicable disease (as defined in IC 16-41-2).

(b) The notice required in this chapter must accompany the body when the body is picked up for disposition.

SECTION 51. IC 16-41-14-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 8. **(a) Except as provided in subsection (b),** a practitioner shall dispose of a donation of semen after a confirmatory test indicates the presence of the HIV antibody. The disposal must be made according to the rules concerning the disposal of infectious waste.

(b) Subsection (a) does not apply to a donation of semen that:

(1) indicates the presence of the HIV antibody; and

(2) is used according to safer conception practices endorsed by the federal Centers for Disease Control and Prevention or other generally accepted medical experts.

SECTION 52. IC 16-41-16-4, AS AMENDED BY P.L.218-2019, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 4. (a) Except as provided in subsections (c) and (d), as used in this chapter, "infectious waste" means waste that epidemiologic evidence indicates is capable of transmitting a ~~dangerous~~ **serious** communicable disease (as set forth in the list published under IC 16-41-2-1).

(b) The term includes the following:

(1) Pathological wastes.
(2) Biological cultures and associated biologicals.
(3) Contaminated sharps.

(4) Infectious agent stock and associated biologicals.

(5) Blood and blood products in liquid or semiliquid form.

(6) Laboratory animal carcasses, body parts, and bedding.

(7) Wastes (as described under section 8 of this chapter).

(c) "Infectious waste", as the term applies to a:

(1) home health agency; or

(2) hospice service delivered in the home of a hospice patient;

includes only contaminated sharps.

(d) The term does not include an aborted fetus or a miscarried fetus.

SECTION 53. IC 16-49.5 IS ADDED TO THE INDIANA CODE AS A **NEW** ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]:

ARTICLE 49.5. SUICIDE AND OVERDOSE FATALITY REVIEW TEAMS

Chapter 1. Definitions

Sec. 1. The definitions in this chapter apply throughout this article.

Sec. 2. As used in this chapter, "SOFR" means suicide and overdose fatality review.

Sec. 3. As used in this chapter, "SOFR team" refers to:

(1) a county SOFR team; or

(2) a regional SOFR team formed by multiple counties;

established under IC 16-49.5-2-1.

Chapter 2. Suicide and Overdose Fatality Review Teams

Sec. 1. (a) A:

(1) local health department; or

(2) person or entity approved by the state department;

may establish through a written agreement a SOFR team to review suicides and overdose fatalities for the purpose of gathering information concerning suicides and overdose fatalities and to use the information gathered to improve community resources and systems of care to reduce suicides and overdose fatalities.

(b) A SOFR team may be established in a county or multiple counties in Indiana.

(c) Upon the establishment of a SOFR team under this section, the SOFR team shall notify the state department of the establishment of the SOFR team.

Sec. 2. (a) A SOFR team shall do the following:

(1) Identify similarities, trends, and factual patterns concerning suicides and overdose fatalities in the area served by the SOFR team.

(2) Identify reasons for any higher minority suicide and overdose fatality rate in the area served by the SOFR team.

(3) Create strategies and make recommendations for the prevention and reduction of suicides and overdose fatalities, including minority suicides and overdose fatalities, in the area served by the SOFR team.

(b) A SOFR team may do any of the following:

(1) Determine factors contributing to suicides and overdose fatalities.

(2) Identify public health and clinical interventions to improve systems of care and enhance coordination.

(3) Develop strategies for the prevention of suicides and overdose fatalities.

Sec. 3. (a) A SOFR team must be multidisciplinary and culturally diverse. The SOFR team should include professionals and representatives of agencies that provide services or community resources for families in the community.

(b) Members of a SOFR team must be appointed by the county health officer or another entity approved by the state department and may include local representatives from the following disciplines:

(1) Public health.

(2) Primary health care.

(3) Mental health.

(4) Law enforcement.

(5) Behavioral health.

(6) Parole or probation.

(7) Addiction medicine.

(8) Emergency medical services.

(9) Social work.

(c) Members may also include any of the following:

(1) A coroner or deputy coroner.

(2) An epidemiologist.

(3) A pathologist.

(d) The SOFR team shall meet at least quarterly.

Sec. 4. (a) The first SOFR team meeting shall convene at the call of the county health officer, the county health administrator, or their designees, as applicable.

(b) The SOFR team members shall elect a chairperson at the first SOFR team meeting and whenever there is a chairperson vacancy.

(c) After the election of a team chairperson, the SOFR team shall meet upon the call of the elected chairperson or upon the call of the county health officer in the event that there is a chairperson vacancy.

Sec. 5. (a) Before a member of the SOFR team may participate in the review of a suicide or overdose fatality, the member must:

(1) sign a confidentiality form prepared by the state department;

(2) review the purpose and goal of the SOFR team; and

(3) review, for accuracy and comprehensiveness, any data collection form developed by the state department, if applicable.

(b) Individuals who are invited by the SOFR team chairperson to attend a SOFR team meeting must sign a confidentiality form before attending or participating in a SOFR team meeting.

(c) The state department shall create and make available a standardized confidentiality form to be used by members of all SOFR teams.

(d) The chairperson of a SOFR team is responsible for the safekeeping of all confidentiality agreements signed under this section.

Sec. 6. (a) The SOFR team shall review the death of each person whose death occurred in the area served by the SOFR team if one (1) or more of the following conditions are met:

(1) The person's cause of death is listed as one (1) or more of the following:

(A) Poisoning.

(B) Intoxication.

(C) Toxicity.

(D) Inhalation.
(E) Ingestion.
(F) Overdose.
(G) Exposure.
(H) Chemical use.
(I) Neonatal abstinence syndrome (NAS) effects.

(2) The person's manner of death is classified as one (1) of the following:
(A) Accident.
(B) Suicide.
(C) Undetermined.

(3) The person's manner of death is classified as natural but drug intoxication or exposure is listed as a contributing factor.

(b) When conducting a SOFR fatality review under subsection (a), the SOFR team may review the following records if the records pertain to a person or incident within the scope of the SOFR team's review:

(1) Records held by the:
(A) local or state health department;
(B) INSPECT program (as described under IC 25-26-24); or
(C) department of child services.

(2) Medical records.
(3) Law enforcement records.
(4) Autopsy reports.
(5) Coroner records.
(6) Mental health reports.
(7) Emergency medical services provider records.
(8) Fire department run reports.
(9) Disciplinary or health records generated by a local school system.
(10) Any other record concerning the assessment, care, fatality, diagnosis, near fatality, if applicable, or treatment of the person subject to a SOFR team review.

(c) Except as otherwise provided, information and records acquired by a SOFR team during the execution of the SOFR team's

duties are confidential and exempt from disclosure.

(d) Subject to subsection (e), records, information, documents, and reports acquired or produced by a SOFR team are not:

(1) subject to subpoena or discovery; or

(2) admissible as evidence;

in any administrative or judicial proceeding.

(e) Records, information, documents, and reports that are admissible and otherwise discoverable from alternate sources do not become immune from discovery or use in any administrative or judicial proceeding because of their use by a SOFR team.

Sec. 7. A SOFR team shall review the death certificate of a decedent received from the county health officer in order to determine whether the fatality qualifies for a SOFR team review under section 6 of this chapter.

Sec. 8. (a) Subject to IC 34-30-15, the following persons or entities shall comply with a records request by a SOFR team:

(1) A coroner.

(2) An emergency medical services provider.

(3) A fire department.

(4) A health system.

(5) A hospital.

(6) A law enforcement officer.

(7) A local or state governmental agency, including the department of child services.

(8) A mental health professional.

(9) A physician.

(10) A school.

(11) A social services provider.

(b) A person or entity that complies, in good faith, with a record request issued under subsection (a) may not be:

(1) disciplined;

(2) criminally prosecuted; or

(3) held administratively or civilly liable;

for any disclosure related to the person's or entity's compliance with subsection (a).

(c) A person or entity subject to a records request by a SOFR team under subsection (a) may charge a reasonable fee for the

service of duplicating any records requested by the SOFR team.

Sec. 9. If a fatality qualifies for a SOFR team review, the SOFR team shall:

(1) identify the factors that contributed to the fatality of the decedent;

(2) determine whether similar fatalities may be prevented in the future;

(3) if applicable, identify other:

(A) agencies or entities; and

(B) resources;

that may be used to assist in the prevention of a similar fatality; and

(4) if applicable, identify solutions to:

(A) improve practice and policy; and

(B) enhance coordination;

between the agencies, entities, and resources described in subdivision (3).

Sec. 10. (a) Except as provided in subsection (b), SOFR team meetings are open to the public.

(b) A SOFR team meeting that requires the use or discussion of confidential records or confidential identifying information must be closed to the public for the portion of the team meeting that uses or discusses confidential information.

Sec. 11. (a) Members of a SOFR team and individuals who attend a SOFR team meeting as invitees of the team chairperson:

(1) may discuss, among themselves, confidential matters that are before the SOFR team;

(2) are bound by all applicable laws concerning the confidentiality of the matters reviewed by the SOFR team; and

(3) except as provided in subsection (b), may not be:

(A) disciplined;

(B) criminally prosecuted; or

(C) held administratively or civilly liable;

for the sharing or discussion of any confidential matter before the SOFR team during a SOFR team meeting.

(b) The immunity described in subsection (a)(3) does not apply

to a SOFR team member or a SOFR team invitee who discloses confidential information:

(1) with malice;

(2) in bad faith; or

(3) negligently.

Sec. 12. The chairperson of a SOFR team or the chairperson's designee shall do the following for each SOFR team meeting:

(1) Prepare the agenda for the scheduled SOFR team meeting.

(2) Provide meeting notices to all members of the SOFR team.

(3) Ensure that all:

(A) members of the SOFR team; and

(B) SOFR team invitees;

sign confidentiality forms as required under this chapter.

(4) Maintain all confidentiality forms signed under this chapter.

(5) Enter and record all data reviewed by the SOFR team by using:

(A) data collection tools provided to the SOFR team by the state department, if applicable; and

(B) any other appropriate data collection system.

(6) Attend pertinent training concerning the use of the data collection tools employed by the SOFR team.

(7) Serve as a liaison for the SOFR team as necessary.

(8) Destroy all records, information, and documents obtained by the SOFR team under section 6 of this chapter upon the conclusion of the SOFR team's review of a specific suicide or overdose fatality.

Sec. 13. Records held or maintained by a SOFR team are subject to the confidentiality provisions of IC 31-33-18.

Sec. 14. (a) Before July 1 of each year, a SOFR team shall submit a report to the state department that includes the following information:

(1) A summary of the data collected concerning the reviews conducted by the SOFR team for the previous calendar year.

(2) Actions recommended by the SOFR team to improve systems of care and community resources to reduce suicides and overdose fatalities in the area served by the SOFR team.

(3) Solutions proposed for any system inadequacies.

(b) The report described in subsection (a) may not contain identifying information relating to the deaths reviewed by the SOFR team.

(c) Review data concerning a suicide or overdose fatality is confidential and may not be released.

(d) The SOFR team may provide the state department with data concerning the reviews of a death under this chapter.

Sec. 15. Nothing in this chapter shall preclude any death, illness, or injury investigation or review to the extent authorized by other laws.

SECTION 54. IC 20-26-15-8, AS AMENDED BY P.L.192-2018, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 8. (a) The contract must contain the following provisions:

(1) A list of the statutes and rules that are suspended from operation in a freeway school corporation or freeway school, as listed in section 5 of this chapter.

(2) A description of the privileges of a freeway school corporation or freeway school, as listed in section 6 of this chapter.

(3) A description of the educational benefits listed in section 7 of this chapter that a freeway school corporation or freeway school agrees to:

(A) achieve by the end of five (5) complete school years after the contract is signed; and

(B) maintain at the end of:

(i) the sixth; and

(ii) any subsequent;

complete school year after the contract is signed.

(4) Subject to section 15 of this chapter (before its expiration), a plan and a schedule for the freeway school corporation or freeway school to achieve the educational benefits listed in section 7 of this chapter by the end of five (5) complete school years after the contract is signed. The schedule must show some percentage of improvement by the end of the second, third, and fourth complete school years after the contract is signed.

(5) A school by school strategy, including curriculum, in which

character education is demonstrated to be a priority. The strategy required under this subdivision must include the following subjects as integral parts of each school's character education:

(A) Hygiene.

(B) Alcohol and drugs.

(C) Diseases transmitted sexually or through drug use. ~~including AIDS.~~

(D) Honesty.

(E) Respect.

(F) Abstinence and restraint.

(6) A plan under which the freeway school corporation or freeway school will offer courses that will allow a student to become eligible to receive an Indiana diploma with a Core 40 with academic honors designation.

(7) A plan under which the freeway school corporation or freeway school will maintain a safe and disciplined learning environment for students and teachers.

(b) In the contract:

(1) the quantitative measures of benefits may be higher, but not lower, than the minimum educational benefits listed in section 7 of this chapter; and

(2) educational benefits may be included in addition to the minimum educational benefits listed in section 7 of this chapter.

SECTION 55. IC 20-30-5-12, AS AMENDED BY P.L.233-2015, SECTION 227, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 12. (a) Each school corporation shall:

(1) include in the school corporation's curriculum instruction concerning the ~~disease acquired immune deficiency syndrome (AIDS);~~ **human immunodeficiency virus (HIV);** and

(2) integrate this effort to the extent possible with instruction on other ~~dangerous~~ **serious** communicable diseases.

(b) Literature that is distributed to school children and young adults under this section must include information required by IC 20-34-3-17.

(c) The department, in consultation with the state department of health, shall develop ~~AIDS~~ **HIV** educational materials. The department shall make the materials developed under this section available to

school corporations.

SECTION 56. IC 20-34-3-17, AS ADDED BY P.L.1-2005, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 17. (a) The state board shall provide information stressing the moral aspects of abstinence from sexual activity in any literature that it distributes to students and young adults concerning available methods for the prevention of ~~acquired immune deficiency syndrome (AIDS).~~ **the human immunodeficiency virus (HIV).** The literature must state that the best way to ~~avoid AIDS~~ **prevent HIV transmission as a result of sexual activity** is for young people to refrain from sexual activity until they are ready as adults to establish, in the context of marriage, a mutually faithful monogamous relationship.

(b) The state board may not distribute ~~AIDS~~ **HIV** literature described in subsection (a) to students without the consent of the governing body of the school corporation the students attend.

SECTION 57. IC 31-11-4-4, AS AMENDED BY P.L.244-2019, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 4. (a) An application for a marriage license must be written and verified. The application must contain the following information concerning each of the applicants:

(1) Full name.

(2) Birthplace.

(3) Residence.

(4) Age.

(5) Names of dependent children.

(6) Full name, including the maiden name of a mother, last known residence, and, if known, the place of birth of:

(A) the birth parents of the applicant if the applicant is not adopted; or

(B) the adoptive parents of the applicant if the applicant is adopted.

(7) Whether either of the applicants is a lifetime sex or violent offender, and, if an applicant is a lifetime sex or violent offender, the county and state in which the conviction was entered giving rise to the applicant's status as a lifetime sex or violent offender.

(8) A statement of facts necessary to determine whether any legal

impediment to the proposed marriage exists.

(9) Except as provided in subsection (e), an acknowledgment that both applicants must sign, affirming that the applicants have received the information described in section 5 of this chapter, including a list of test sites for the ~~virus that causes AIDS (acquired immune deficiency syndrome).~~ **human immunodeficiency virus (HIV).** The acknowledgment required by this subdivision must be in the following form:

ACKNOWLEDGMENT

I acknowledge that I have received information regarding ~~dangerous~~ **serious** communicable diseases that are sexually transmitted and a list of test sites for the ~~virus that causes AIDS (acquired immune deficiency syndrome).~~ **human immunodeficiency virus (HIV).**

_____ _____
Signature of Applicant Date

_____ _____
Signature of Applicant Date

(b) The clerk of the circuit court shall record the application, including the license and certificate of marriage, in a book provided for that purpose. This book is a public record.

(c) The state department of health shall develop uniform forms for applications for marriage licenses. The state department of health shall furnish these forms to the circuit court clerks. The state department of health may periodically revise these forms.

(d) The state department of health shall require that the record of marriage form developed under subsection (c) must include each applicant's Social Security number. Any Social Security numbers collected on the record of marriage form shall be kept confidential and used only to carry out the purposes of the Title IV-D program. A person who knowingly or intentionally violates confidentiality regarding an applicant's Social Security numbers as described in this subsection commits a Class A infraction.

(e) Notwithstanding subsection (a), a person who objects on religious grounds is not required to:

(1) verify the application under subsection (a) by oath or affirmation; or

(2) sign the acknowledgment described in subsection (a)(9).

However, before the clerk of the circuit court may issue a marriage license to a member of the Old Amish Mennonite church, the bishop of that member must sign a statement that the information in the application is true.

(f) If a person objects on religious grounds to:

(1) verifying the application under subsection (a) by oath or affirmation; or

(2) signing the acknowledgment described in subsection (a)(9);

the clerk of the circuit court shall indicate that fact on the application for a marriage license.

SECTION 58. IC 31-11-4-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 5. (a) The clerk of the circuit court shall distribute to marriage license applicants written information or videotaped information approved by the ~~AIDS~~ **HIV** advisory council of the state department of health concerning ~~dangerous~~ **serious** communicable diseases that are sexually transmitted.

(b) Written information and videotaped information distributed by each clerk of the circuit court under subsection (a) must provide current information on human immunodeficiency virus (HIV) infection and other ~~dangerous~~ **serious** communicable diseases that are sexually transmitted. The information must include an explanation of the following:

(1) The etiology of ~~dangerous~~ **serious** communicable diseases that are sexually transmitted.

(2) The behaviors that create a high risk of transmission of such diseases.

(3) Precautionary measures that reduce the risk of contracting such diseases.

(4) The necessity for consulting medical specialists if infection is suspected.

(c) At the time of application for a marriage license, each clerk of the circuit court shall:

(1) provide the marriage license applicants with written information furnished under subsection (a) concerning dangerous communicable diseases that are sexually transmitted; or

(2) show the marriage license applicants videotaped information furnished under subsection (a) concerning dangerous communicable

diseases that are sexually transmitted.

(d) In addition to the information provided to marriage license applicants under subsection (c), each clerk of the circuit court shall inform each marriage license applicant that the applicant may be tested on a voluntary basis for human immunodeficiency virus (HIV) infection by the applicant's private physician or at another testing site. The clerk shall provide the marriage applicants with a list of testing sites in the community.

(e) An applicant who objects to the written information or videotaped information on religious grounds is not required to receive the information.

(f) If materials required by this section are not prepared by other sources, the state department of health shall prepare the materials.

(g) The provider of the materials is responsible for all costs involved in the development, preparation, and distribution of the information required by this section. Except for the materials developed by the state, the state and county are not liable for the costs of materials used to implement this section and section 4 of this chapter.

SECTION 59. IC 31-33-18-2, AS AMENDED BY P.L.31-2019, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 2. The reports and other material described in section 1(a) of this chapter and the unredacted reports and other material described in section 1(b) of this chapter shall be made available only to the following:

(1) Persons authorized by this article.

(2) A legally mandated public or private child protective agency investigating a report of child abuse or neglect or treating a child or family that is the subject of a report or record.

(3) Any of the following who are investigating a report of a child who may be a victim of child abuse or neglect:

(A) A police officer or other law enforcement agency.

(B) A prosecuting attorney.

(C) A coroner, in the case of the death of a child.

(4) A physician who has before the physician a child whom the physician reasonably suspects may be a victim of child abuse or neglect.

(5) An individual legally authorized to place a child in protective

custody if:

(A) the individual has before the individual a child whom the individual reasonably suspects may be a victim of abuse or neglect; and

(B) the individual requires the information in the report or record to determine whether to place the child in protective custody.

(6) An agency having the legal responsibility or authorization to care for, treat, or supervise a child who is the subject of a report or record or a parent, guardian, custodian, or other person who is responsible for the child's welfare.

(7) An individual named in the report or record who is alleged to be abused or neglected or, if the individual named in the report is a child or is otherwise incompetent, the individual's guardian ad litem or the individual's court appointed special advocate, or both.

(8) Each parent, guardian, custodian, or other person responsible for the welfare of a child named in a report or record and an attorney of the person described under this subdivision, with protection for the identity of reporters and other appropriate individuals.

(9) A court, for redaction of the record in accordance with section 1.5 of this chapter, or upon the court's finding that access to the records may be necessary for determination of an issue before the court. However, except for disclosure of a redacted record in accordance with section 1.5 of this chapter, access is limited to in camera inspection unless the court determines that public disclosure of the information contained in the records is necessary for the resolution of an issue then pending before the court.

(10) A grand jury upon the grand jury's determination that access to the records is necessary in the conduct of the grand jury's official business.

(11) An appropriate state or local official responsible for child protection services or legislation carrying out the official's official functions.

(12) The community child protection team appointed under IC 31-33-3 (or IC 31-6-11-14 before its repeal), upon request, to enable the team to carry out the team's purpose under IC 31-33-3.

(13) A person about whom a report has been made, with protection

for the identity of:

(A) any person reporting known or suspected child abuse or neglect; and

(B) any other person if the person or agency making the information available finds that disclosure of the information would be likely to endanger the life or safety of the person.

(14) An employee of the department, a caseworker, or a juvenile probation officer conducting a criminal history check under IC 31-26-5, IC 31-34, or IC 31-37 to determine the appropriateness of an out-of-home placement for a:

(A) child at imminent risk of placement;

(B) child in need of services; or

(C) delinquent child.

The results of a criminal history check conducted under this subdivision must be disclosed to a court determining the placement of a child described in clauses (A) through (C).

(15) A local child fatality review team established under IC 16-49-2.

(16) The statewide child fatality review committee established by IC 16-49-4.

(17) The department.

(18) The division of family resources, if the investigation report:

(A) is classified as substantiated; and

(B) concerns:

(i) an applicant for a license to operate;

(ii) a person licensed to operate;

(iii) an employee of; or

(iv) a volunteer providing services at;

a child care center licensed under IC 12-17.2-4 or a child care home licensed under IC 12-17.2-5.

(19) A citizen review panel established under IC 31-25-2-20.4.

(20) The department of child services ombudsman established by IC 4-13-19-3.

(21) The state superintendent of public instruction with protection for the identity of:

(A) any person reporting known or suspected child abuse or neglect; and

(B) any other person if the person or agency making the information available finds that disclosure of the information would be likely to endanger the life or safety of the person.

(22) The state child fatality review coordinator employed by the state department of health under IC 16-49-5-1.

(23) A person who operates a child caring institution, group home, or secure private facility if all the following apply:

(A) The child caring institution, group home, or secure private facility is licensed under IC 31-27.

(B) The report or other materials concern:

(i) an employee of;

(ii) a volunteer providing services at; or

(iii) a child placed at;

the child caring institution, group home, or secure private facility.

(C) The allegation in the report occurred at the child caring institution, group home, or secure private facility.

(24) A person who operates a child placing agency if all the following apply:

(A) The child placing agency is licensed under IC 31-27.

(B) The report or other materials concern:

(i) a child placed in a foster home licensed by the child placing agency;

(ii) a person licensed by the child placing agency to operate a foster family home;

(iii) an employee of the child placing agency or a foster family home licensed by the child placing agency; or

(iv) a volunteer providing services at the child placing agency or a foster family home licensed by the child placing agency.

(C) The allegations in the report occurred in the foster family home or in the course of employment or volunteering at the child placing agency or foster family home.

(25) The National Center for Missing and Exploited Children.

(26) A local domestic violence fatality review team established under IC 12-18-8, as determined by the department to be relevant to the death or near fatality that the local domestic violence fatality review team is reviewing.

(27) The statewide domestic violence fatality review committee

established under IC 12-18-9-3, as determined by the department to be relevant to the death or near fatality that the statewide domestic violence fatality review committee is reviewing.

(28) The statewide maternal mortality review committee established under IC 16-50-1-3, as determined by the department to be relevant to the case of maternal morbidity or maternal mortality that the statewide maternal mortality review committee is reviewing.

(29) A local fetal-infant mortality review team established under IC 16-49-6, as determined by the department to be relevant to the case of fetal or infant fatality that the local fetal-infant mortality review team is reviewing.

(30) A suicide and overdose fatality review team established under IC 16-49.5-2, as determined by the department to be relevant to the case of a suicide or overdose fatality that the suicide and overdose fatality review team is reviewing.

SECTION 60. IC 34-30-2-80 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 80. IC 16-41-2-6 (Concerning physicians, hospitals, and laboratories for reporting communicable or ~~dangerous~~ **serious** diseases).

SECTION 61. IC 34-30-2-81, AS AMENDED BY P.L.86-2018, SECTION 273, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 81. (a) IC 16-41-7-2 (Concerning the good faith reporting to a health officer of an individual thought to present a serious and present ~~danger~~ **risk** to the health of others, to have engaged in noncompliant behavior, or to be at risk of carrying a ~~dangerous~~ **serious** communicable disease).

(b) IC 16-41-7-3 (Concerning a physician who provides notification to certain individuals regarding a patient's ~~dangerous~~ **serious** communicable disease).

SECTION 62. IC 34-30-2-81.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 81.5. IC 16-41-10-3.5 (Concerning a provider who tests a patient for the presence of a ~~dangerous~~ **serious** communicable disease).

SECTION 63. IC 34-30-2-83.9 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 83.9. (a) IC 16-49.5-2-8 (Concerning certain persons and entities complying with a records**

request related to a suicide or overdose fatality review).

(b) IC 16-49.5-2-11 (Concerning the substance of a suicide or overdose fatality review team meeting).

SECTION 64. IC 34-30-2-82 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 82. IC 16-41-10-6 (Concerning a person reporting that an emergency medical services provider has been exposed to a ~~dangerous~~ **serious** communicable disease during the course of emergency duties).

SECTION 65. IC 34-46-2-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 9. IC 16-41-2-4 (Concerning reports of communicable or ~~dangerous~~ **serious** diseases).

SECTION 66. IC 34-46-2-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 10. IC 16-41-7-3 (Concerning warning by physician of ~~dangerous~~ **serious** communicable disease).

P.L.113-2020
[H.1198. Approved March 18, 2020.]

AN ACT to amend the Indiana Code concerning public safety.

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

SECTION 1. IC 10-10.5 IS ADDED TO THE INDIANA CODE AS A **NEW** ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]:

ARTICLE 10.5. STATE AND LOCAL PUBLIC SAFETY

Chapter 1. Definitions

Sec. 1. The definitions in this chapter apply throughout this article.

Sec. 2. "Indiana first responder" means an individual who:

(1) is employed by; or

(2) serves as a volunteer for;

a public safety agency and whose duties include responding rapidly to an emergency.

Sec. 3. "Law enforcement officer" means any of the following:

(1) A state police officer, enforcement officer of the alcohol and tobacco commission, or conservation officer.

(2) A county, city, or town police officer.

(3) A police officer appointed by a state educational institution

under IC 21-39-4 or school corporation under IC 20-26-16.

(4) A gaming agent under IC 4-33-4.5 or a gaming control officer under IC 4-33-20.

Sec. 4. As used in this chapter, "PSAP" refers to a public safety answering point:

(1) that operates on a twenty-four (24) hour basis; and

(2) whose primary function is to receive incoming requests for emergency assistance and relay those requests to an appropriate responding public safety agency.

Sec. 5. "Public safety agency" means a state or local:

(1) law enforcement agency;

(2) fire protection agency (including a volunteer fire department);

(3) PSAP;

(4) emergency management agency; or

(5) correctional institution.

Sec. 6. "Public safety telecommunicator" means an individual who answers or dispatches 911 emergency calls on behalf of a public safety agency.

Chapter 2. Indiana First Responders

Sec. 1. The state of Indiana designates the following individuals to be Indiana first responders:

(1) A law enforcement officer.

(2) A firefighter, including a volunteer firefighter.

(3) A corrections officer.

(4) A public safety telecommunicator.

(5) An emergency medical technician, emergency medical

responder, or paramedic.

(6) An individual performing emergency management services subject to the order or control of, or under a request of, the state or local government, including a volunteer health practitioner registered under IC 10-14-3.5.

(7) Any individual serving in an employee or volunteer capacity for a public safety agency, whose duties include rapid emergency response.

Chapter 3. Effect

Sec. 1. The designation of an individual as an Indiana first responder under this article does not affect the individual's terms of employment or volunteer status, including:

(1) assigned duties and responsibilities;

(2) contract terms;

(3) personnel classification;

(4) merit or nonmerit employee status; or

(5) eligibility or lack of eligibility for compensation, reimbursement, benefits, allowances, or worker's compensation.

SECTION 2. IC 16-31-6-1, AS AMENDED BY P.L.77-2012, SECTION 46, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1. (a) A certified emergency medical technician who provides emergency medical services to an emergency patient is not liable for an act or omission in providing those services unless the act or omission constitutes negligence or willful misconduct. If the emergency medical technician is not liable for an act or omission, no other person incurs liability by reason of an agency relationship with the emergency medical technician.

(b) This section does not affect the liability of a driver of an ambulance for negligent operation of the ambulance.

(c) Except as provided in subsections (a) and (b), a certified emergency medical technician or a licensed paramedic who provides emergency medical services is not liable for transporting any person to an appropriate health care facility when the emergency medical technician or the licensed paramedic makes a good faith judgment that the emergency patient or the emergency patient's primary caregiver lacks the capacity to make an informed

decision about the patient's:

(1) safety; or

(2) need for medical attention;

and the emergency patient is reasonably likely to suffer disability or death without the medical intervention available at the facility.

SECTION 3. IC 34-30-2-68 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 68. IC 16-31-6-1 (Concerning ambulance attendants and certified emergency medical technicians who render emergency ambulance services **and certified emergency medical technicians or licensed paramedics who provide emergency medical services).**

P.L.114-2020

[H.1207. Approved March 18, 2020.]

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

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

SECTION 1. IC 5-10-8-20, AS ADDED BY P.L.209-2018, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 20. (a) As used in this section, "covered individual" means an individual entitled to coverage under a state employee plan.

(b) As used in this section, "drug" means a prescription drug.

(c) As used in this section, "pharmacy" refers to a pharmacist or pharmacy that has entered into an agreement with a state employee plan to provide drugs to individuals covered under a state employee plan.

(d) As used in this section, "state employee plan" refers to the following that provide coverage for drugs:

(1) A self-insurance program established under section 7(b) of this

chapter to provide group health coverage.

(2) A contract with a prepaid health care delivery plan that is entered into or renewed under section 7(c) of this chapter.

The term includes a person that administers drug benefits on behalf of a state employee plan.

(e) A pharmacy or pharmacist shall have the right to provide a covered individual with information concerning the amount of the covered individual's cost share for a prescription drug. Neither a pharmacy nor a pharmacist shall be proscribed by a pharmacy benefits manager from discussing this information or from selling to the covered individual a more affordable alternative if an affordable alternative is available.

(f) A pharmacy benefits manager that covers prescription drugs may not include a provision that requires a covered individual to make payment for a prescription drug at the point of sale in an amount that exceeds the lesser of:

(1) the contracted copayment amount; or

(2) the amount of total approved charges by the pharmacy benefits manager at the point of sale.

This subsection does not prohibit the adjudication of claims in accordance with the state employee plan administered by a pharmacy benefits manager. The covered individual is not liable for any additional charges or entitled to any credits as a result of the adjudicated claim.

(g) The state employee plan or a pharmacy benefits manager may not require a pharmacy or pharmacist to collect a higher copayment for a prescription drug from a covered individual than the state employee plan or pharmacy benefits manager allows the pharmacy or pharmacist to retain.

SECTION 2. IC 5-10-8-22.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2021]: **Sec. 22.5. (a) As used in this section, "covered individual" means an individual who is entitled to coverage under a state employee health plan.**

(b) As used in this section, "state employee health plan" means the following:

(1) A self-insurance program established under section 7(b) of this chapter.

(2) A contract for prepaid health services under section 7(c) of this chapter.

(c) A state employee health plan shall implement a procedure to allow a covered individual to submit a claim to offset the covered individual's deductible for the cost of a purchase by the covered individual of a prescription drug that:

(1) is covered under the state employee health plan; and

(2) was purchased by the covered individual without submitting at the point of purchase the claim through the state employee health plan.

(d) If a covered individual submits a claim to the state employee health plan in accordance with the procedure established under subsection (c), the state employee health plan shall verify the purchase described under subsection (c) and count the amount paid by the covered individual for the purchased covered prescription drug against the covered individual's deductible.

SECTION 3. IC 16-18-2-338.3, AS ADDED BY P.L.32-2015, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 338.3. **(a)** "Standing order", for purposes of IC 16-31 and IC 16-42-27, means:

(1) a written order; or

(2) an order transmitted by other means of communication;

that is prepared by a person authorized to write a prescription for the distribution and administration of an overdose intervention drug, including any actions and interventions to be used in order to ensure timely access to treatment.

(b) "Standing order", for purposes of IC 16-41-43, means:

(1) a written order; or

(2) an order transmitted by other means of communication;

that is prepared by a person authorized to write a prescription for the distribution and administration of auto-injectable epinephrine, including any actions and interventions to be used in order to ensure timely access to treatment.

SECTION 4. IC 16-41-43-2.3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 2.3. (a) A pharmacist may, by standing order, dispense auto-injectable epinephrine without**

examining the individual to whom it may be administered if all of the following conditions are met:

(1) The auto-injectable epinephrine is dispensed to a person who:

(A) presents a certificate of completion issued under section 2.5(c) of this chapter to the pharmacist before the auto-injectable epinephrine is dispensed; and

(B) is an individual who is or may be in a position to assist an individual who is at risk of experiencing anaphylaxis.

(2) The pharmacist provides instruction concerning how to properly administer auto-injectable epinephrine from the specific device being dispensed at the time of the device's dispensing.

(3) The pharmacist instructs the individual receiving the auto-injectable epinephrine to summon emergency medical services either immediately before or immediately after administering the auto-injectable epinephrine to an individual experiencing anaphylaxis.

(b) A person wishing to receive auto-injectable epinephrine by standing order must do the following:

(1) Successfully complete the course described in section 2.5(a) of this chapter.

(2) Present a certificate of completion issued under section 2.5(c) of this chapter to a pharmacist at the time the auto-injectable epinephrine is requested.

(c) An individual described in subsection (a)(1) may administer auto-injectable epinephrine to an individual that the person reasonably believes is experiencing anaphylaxis.

(d) An individual described in subsection (a)(1) may not be considered to be practicing medicine without a license in violation of IC 25-22.5-8-2 if the individual, acting in good faith:

(1) obtains auto-injectable epinephrine from a pharmacist by standing order;

(2) administers auto-injectable epinephrine to an individual that the person reasonably believes is experiencing anaphylaxis in a manner that is consistent with:

(A) the training provided during the course described in

section 2.5(a) of this chapter; or

(B) the instruction provided to the person by a pharmacist at the time the auto-injectable epinephrine was dispensed; and

(3) attempts to summon emergency medical services either immediately before or immediately after administering the auto-injectable epinephrine.

(e) The state department shall ensure that a statewide standing order for the dispensing of auto-injectable epinephrine in Indiana is issued under this section. The state health commissioner may, as part of the individual's official capacity, issue a statewide standing order that may be used for the dispensing of auto-injectable epinephrine under this section. The immunity provided in IC 34-13-3-3 applies to an individual described in this subsection.

SECTION 5. IC 16-41-43-2.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 2.5. (a) The state department shall approve courses concerning allergies and the administration of auto-injectable epinephrine that are offered by an approved organization (as defined in IC 25-1-4-0.2).**

(b) The state department shall do the following:

(1) Maintain, on its Internet web site, a list of all approved courses.

(2) Prescribe the certification process for the course described in subsection (a).

(3) Revoke the certification of an organization that fails to comply with any certification prerequisite specified by the state department.

(c) A person who successfully completes a certified course shall receive a certificate of completion. The state department may contract with a third party for the purpose of creating or manufacturing the certificate of completion, which must meet the requirements set forth in subsection (d).

(d) A certificate of completion issued under subsection (c) must:

(1) have dimensions that permit the certificate of completion to be carried in a wallet; and

(2) display the following information:

(A) The first and last name of the person.

(B) The first and last name of the course instructor.

(C) The name of the entity responsible for providing the course, if applicable.

(D) The date the course described in subsection (a) was completed.

(E) Any other information required by the state department.

(e) The state department may adopt rules under IC 4-22-2, including emergency rules under IC 4-22-2-37.1, to implement this section.

SECTION 6. IC 16-41-43-3.5, AS ADDED BY P.L.117-2017, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 3.5. Injectable epinephrine that is filled and used in accordance with this chapter must have an expiration date of not less than twelve (12) months from the date that the pharmacy dispenses the injectable epinephrine to the entity **or person, as applicable.**

SECTION 7. IC 16-41-43-5.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 5.5. (a) This chapter does not apply to a person who is eligible for immunity specified in one (1) or more of the following sections:**

(1) Section 6 of this chapter.

(2) IC 20-34-4.5-4.

(3) IC 21-44.5-2-6.

(b) Except as provided in subsection (d), a person who meets all of the following criteria is not liable for civil damages for any act or omission related to the administration of auto-injectable epinephrine:

(1) The person has successfully completed a course described in section 2.5(a) of this chapter before administering auto-injectable epinephrine to a person.

(2) The person administered the auto-injectable epinephrine in a manner that was consistent with:

(A) the training provided during the course described in section 2.5(a) of this chapter; or

(B) the instruction provided to the person by the

pharmacist at the time the auto-injectable epinephrine was dispensed to the person.

(3) The person reasonably believed that the recipient of the auto-injectable epinephrine was suffering from anaphylaxis at the time the auto-injectable epinephrine was administered.

(c) A pharmacist who complies with section 2.3(a) of this chapter is not liable for civil damages resulting from the administration of auto-injectable epinephrine.

(d) The immunity described in subsection (b) or (c) does not apply to any act or omission that constitutes gross negligence or willful and wanton misconduct.

SECTION 8. IC 25-1-9.3-8, AS ADDED BY P.L.28-2019, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 8. A prescriber may issue a prescription for a controlled substance in a written format, a faxed format, or an oral order if any of the following apply:

(1) The prescriber cannot transmit an electronically transmitted prescription due to:

(A) temporary technological or electrical failure; **or**

(B) the technological inability to issue a prescription electronically, including but not limited to failure to possess the requisite technology.

(2) The prescriber issues a prescription to be dispensed by a pharmacy located outside Indiana.

(3) The prescriber and the pharmacist are the same entity.

(4) The prescriber issues a prescription that meets any of the following:

(A) The prescription contains elements that are not supported by the technical standards developed by the National Council for Prescription Drug Programs for electronically transmitted prescriptions (NCPDP SCRIPT).

(B) The federal Food and Drug Administration requires the prescription to contain certain elements that cannot be supported in an electronically transmitted prescription.

(C) The prescription is a non-patient specific prescription in response to a public health emergency or another instance allowable under state law and that requires a non-patient

specific prescription under:

(i) a standing order;

(ii) approved protocol for drug therapy;

(iii) collaborative drug management; or

(iv) comprehensive medication management.

(D) The prescription is issued under a research protocol.

(5) The prescriber has received a waiver or a renewal of a previously received waiver from the board in accordance with rules adopted under section 9 of this chapter.

(6) The board, in accordance with rules adopted under section 9 of this chapter, has determined that issuing an electronically transmitted prescription would be impractical and cause delay, adversely impacting the patient's medical condition.

(7) The prescriber reasonably determines that it would be impractical for the patient to obtain an electronic prescription in a timely manner and the delay would adversely affect the patient's medical condition.

SECTION 9. IC 25-1-9.3-9, AS ADDED BY P.L.28-2019, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 9. (a) The board shall, in consultation with the medical licensing board, adopt rules under IC 4-22-2 to implement this chapter, including:

(1) a process to grant or deny waivers or renewals of waivers from the requirement to issue electronically transmitted prescriptions for controlled substances due to:

(A) economic hardship;

(B) technological limitations outside the control of the prescriber; or

(C) other circumstances determined by the board; and

(2) a list of circumstances in which issuing an electronically transmitted prescription would be impractical and cause delay that would adversely impact the user's medical condition.

(b) Any rules adopted under this chapter must be substantially similar to the requirements and exceptions under 42 U.S.C. 1395w-104.

(c) The board, in consultation with the medical licensing board, may adopt emergency rules in the manner provided in IC 4-22-2-37.1. A rule adopted under this section expires on the

earlier of the following:

(1) The date that the rule is superseded, amended, or repealed by a permanent rule adopted under IC 4-22-2.

(2) July 1, 2023.

SECTION 10. IC 25-26-13-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 16. (a) A pharmacist shall exercise ~~his~~ **the pharmacist's** professional judgment in the best interest of the patient's health when engaging in the practice of pharmacy.

(b) A pharmacist has a duty to honor all prescriptions from a practitioner or from a physician, podiatrist, dentist, **advanced practice registered nurse, physician assistant,** or veterinarian licensed under the laws of another state. Before honoring a prescription, the pharmacist shall take reasonable steps to determine whether the prescription has been issued in compliance with the laws of the state where it originated. The pharmacist is immune from criminal prosecution or civil liability if ~~he,~~ **the pharmacist,** in good faith, refuses to honor a prescription because, in ~~his~~ **the pharmacist's** professional judgment, the honoring of the prescription would:

(1) be contrary to law;

(2) be against the best interest of the patient;

(3) aid or abet an addiction or habit; or

(4) be contrary to the health and safety of the patient.

SECTION 11. IC 25-26-13-24.8, AS ADDED BY P.L.28-2019, SECTION 16, AND P.L.246-2019, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 24.8. **(a)** Upon request of a patient, a pharmacy shall transfer to another pharmacy a prescription for the patient that the pharmacy has received but not filled unless:

(1) prohibited in writing on the prescription by the prescriber; or

(2) otherwise prohibited by federal law.

(b) Unless prohibited by federal law, a prescription for a patient may be transferred electronically or by facsimile by a pharmacy to another pharmacy if the pharmacies do not share a common data base.

(c) A licensed pharmacy technician may transfer a prescription under subsection (b).

SECTION 12. IC 25-26-13-25.3, AS ADDED BY P.L.246-2019, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 25.3. **(a)** ~~Beginning January 1, 2020,~~ A pharmacy may not dispense injectable epinephrine or glucagon to a person unless:

(1) the injectable epinephrine or glucagon has an expiration date of not less than twelve (12) months from the date that the drug is dispensed; or

(2) the person consents to the injectable epinephrine or glucagon having an expiration date of less than twelve (12) months from the date that the drug is dispensed.

(b) Except as provided in IC 25-26-16.5, a pharmacist may substitute a therapeutic alternative (as defined in IC 25-26-16.5-4) for epinephrine products for a patient.

SECTION 13. IC 25-26-13-31, AS AMENDED BY P.L.247-2019, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 31. (a) A pharmacist may do the following:

(1) Obtain and maintain patient drug histories and other pharmacy records that are related to drug or device therapies.

(2) Perform drug evaluation, drug utilization review, and drug regimen review.

(3) Participate in the selection, storage, and distribution of drugs, dietary supplements, and devices. However, drug selection must comply with IC 16-42-19 and IC 16-42-22.

(4) Participate in drug or drug related research.

(5) Prescribe any of the following devices or supplies approved by the federal Food and Drug Administration:

(A) Inhalation spacer.

(B) Nebulizer.

(C) Supplies for medical devices, including but not limited to, continuous positive airway pressure (CPAP) machine supplies and insulin pump supplies.

(D) Normal saline and sterile water for irrigation for wound care **or for injection with a prescription drug or device.**

(E) Diabetes blood sugar testing supplies.

(F) Pen needles.

(G) Syringes for medication use.

However, the pharmacist must provide the patient with a written advance beneficiary notice that is signed by the patient and that states that the patient may not be eligible for reimbursement for the device or supply. The pharmacy must keep a copy of the patient's advance beneficiary notice on file for seven (7) years.

(b) A pharmacist who participates in an activity allowed under subsection (a) is required to follow the standards for the competent practice of pharmacy adopted by the board.

(c) A pharmacist may issue a prescription for purposes of subsection (a)(5).

SECTION 14. IC 25-26-13-31.7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 31.7. (a) Subject to rules adopted under subsection (c), a pharmacy technician may administer an influenza immunization to an individual under a drug order or prescription.**

(b) Subject to rules adopted under subsection (c), a pharmacy technician may administer an influenza immunization to an individual or a group of individuals under a drug order, under a prescription, or according to a protocol approved by a physician.

(c) The board shall adopt rules under IC 4-22-2 to establish requirements applying to a pharmacy technician who administers an influenza immunization to an individual or group of individuals. The rules adopted under this section must provide for the direct supervision of the pharmacy technician by a pharmacist, a physician, a physician assistant, or an advanced practice registered nurse.

(d) The board must approve all programs that provide training to pharmacy technicians to administer influenza immunizations as permitted by this section.

SECTION 15. IC 27-1-24.5-22.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 22.5. Aggregated information compiled from reports submitted by pharmacy benefit managers to the insurance commissioner under section 22 of this chapter is not confidential except for information that would reveal a specific pharmacy benefit manager's proprietary information.**

SECTION 16. IC 27-1-24.5-27.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 27.5. A pharmacy benefits manager may not require a pharmacy or pharmacist to collect a higher copayment for a prescription drug from a customer than the pharmacy benefits manager allows the pharmacy or pharmacist to retain.**

SECTION 17. IC 27-2-9.1 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2021]:

Chapter 9.1. Prescription Drug Purchases

Sec. 1. As used in this chapter, "covered individual" means an individual who is entitled to coverage under a health plan.

Sec. 2. As used in this chapter, "health plan" means a plan that is compliant with the PPACA and offered by an insurer to provide, deliver, arrange for, pay for, or reimburse the cost of health care items or services. The term includes the following:

(1) A policy of accident and sickness insurance (as defined in IC 27-8-5-1).

(2) An individual contract (as defined by IC 27-13-1-21) and a group contract (as defined by IC 27-13-1-16).

Sec. 3. As used in this chapter, "insurer" means an entity licensed in Indiana to issue a health plan.

Sec. 4. As used in this chapter, "PPACA" refers to the federal Patient Protection and Affordable Care Act (P.L. 111-148), as amended thereafter, including by the federal Health Care and Education Reconciliation Act of 2010 (P.L. 111-152).

Sec. 5. (a) A health plan shall implement a procedure to allow a covered individual to submit a claim to offset the covered individual's deductible for the cost of a purchase by the covered individual of a prescription drug that:

(1) is covered under the covered individual's health plan; and

(2) was purchased by the covered individual without submitting at the point of purchase the claim through the health plan.

(b) If a covered individual submits a claim to the health plan in accordance with the procedure established under subsection (a),

the health plan shall verify the purchase described under subsection (a) and count the amount paid by the covered individual for the purchased covered prescription drug against the covered individual's deductible.

SECTION 18. IC 27-8-5-31 IS REPEALED [EFFECTIVE JULY 1, 2020]. ~~Sec. 31. (a) The definitions in section 30 of this chapter apply throughout this section.~~

~~(b) This section applies to an insurer that uses a formulary, cost sharing, or utilization review for prescription drug coverage.~~

~~(c) An insurer shall not remove a prescription drug from the insurer's formulary, change the cost sharing requirements that apply to a prescription drug, or change the utilization review requirements that apply to a prescription drug unless the insurer does at least one (1) of the following:~~

~~(1) At least sixty (60) days before the removal or change is effective, send written notice of the removal or change to each insured for whom the prescription drug has been prescribed during the preceding twelve (12) month period.~~

~~(2) At the time an insured for whom the prescription drug has been prescribed during the preceding twelve (12) month period requests a refill of the prescription drug, provide to the insured:~~

~~(A) written notice of the removal or change; and~~

~~(B) a sixty (60) day supply of the prescription drug under the terms that applied before the removal or change.~~

SECTION 19. IC 27-8-5-31.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 31.5. (a) This section applies to a policy of accident and sickness insurance that is issued, entered into, amended, or renewed after June 30, 2020.**

(b) The definitions in section 30 of this chapter apply throughout this section.

(c) This section applies to an insurer that uses a formulary or cost sharing review for prescription drug coverage.

(d) An insurer shall not remove a prescription drug from the insurer's formulary or change the cost sharing requirements that apply to a prescription drug unless the insurer does the following:

(1) At least sixty (60) days before the removal or change is

effective, sends written notice of the removal or change to each insured for whom the prescription drug has been prescribed during the plan year.

(2) Provides a timely appeal process through which an insured may request an extension of coverage for the prescription drug through the end of the plan year. The appeal process must consider the following:

(A) Clinical appropriateness that is evidence based.

(B) Whether the insured has been adherent to the prescription drug regimen long enough that discontinuation of the prescription drug would cause a significant barrier to the insured's adherence to or compliance with the insured's plan of care.

(C) Whether discontinuation of the prescription drug would worsen a comorbid condition of the insured.

(D) Whether discontinuation of the prescription drug would decrease the insured's ability to achieve or maintain reasonable functional ability to perform daily activities.

(e) If the request for an extension made by an insured under subsection (d) is supported by documentation from the prescribing health care provider, the insurer shall make a determination concerning the insured's request:

(1) in an urgent care situation, not more than one (1) business day after receiving the request; or

(2) in a non-urgent situation, not more than three (3) business days after receiving the request.

(f) If an appeal under subsection (d)(2) is granted, the insurer shall notify the insured and the insured's health care provider of the authorization for coverage of the prescription drug that was the subject of the appeal.

(g) An extension of coverage of a prescription drug through the end of the plan year under this section is permitted only once and may not be repeated unless otherwise provided by the insurer.

(h) Nothing under this section prohibits an insurer from removing a prescription drug from its formulary or denying an insured coverage if:

(1) the federal Food and Drug Administration has issued a

statement about the prescription drug that calls into question the clinical safety of the prescription drug;

(2) the manufacturer of the prescription drug has notified the federal Food and Drug Administration of a manufacturing discontinuance or potential discontinuance of the prescription drug as required by 21 U.S.C. 356c of the federal Food, Drug, and Cosmetic Act; or

(3) the manufacturer of the prescription drug has removed the prescription drug from the market.

(i) This chapter does not prohibit a pharmacist from substituting:

(1) a generically equivalent drug product for a brand name drug under IC 16-42-22; or

(2) a biosimilar biological product for a prescribed biological product under 16-42-25.

SECTION 20. IC 27-8-11-12, AS ADDED BY P.L.209-2018, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 12. (a) As used in this section, "drug" means a prescription drug.

(b) As used in this section, "insurer" refers to an insurer that provides coverage for drugs. The term includes a person that administers drug benefits on behalf of an insurer.

(c) As used in this section, "pharmacy" refers to a pharmacist or pharmacy that has entered into an agreement with an insurer under section 3 of this chapter.

(d) A pharmacy or pharmacist shall have the right to provide an insured with information concerning the amount of the insured's cost share for a prescription drug. Neither a pharmacy nor a pharmacist shall be proscribed by an insurer from discussing this information or from selling to the insured a more affordable alternative if an affordable alternative is available.

(e) An insurer that covers prescription drugs may not include a provision that requires an insured to make payment for a prescription drug at the point of sale in an amount that exceeds the lesser of:

(1) the contracted copayment amount; or

(2) the amount of total approved charges by the insurer at the point of sale.

This subsection does not prohibit the adjudication of claims in accordance with an accident and sickness insurance policy issued or administered by an insurer. The insured is not liable for any additional charges or entitled to any credits as a result of the adjudicated claim.

(f) The insurer or a pharmacy benefits manager may not require a pharmacy or pharmacist to collect a higher copayment for a prescription drug from an insured than the insurer or pharmacy benefits manager allows the pharmacy or pharmacist to retain.

SECTION 21. IC 27-13-15-6, AS ADDED BY P.L.209-2018, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 6. (a) As used in this section, "drug" means a prescription drug.

(b) As used in this section, "health maintenance organization" refers to a health maintenance organization that provides coverage for drugs. The term includes the following:

(1) A limited service health maintenance organization.

(2) A person that administers drug benefits on behalf of a health maintenance organization or a limited service health maintenance organization.

(c) As used in this section, "pharmacy" refers to a pharmacist or pharmacy that is a participating provider.

(d) A pharmacy or pharmacist shall have the right to provide an enrollee with information concerning the amount of the enrollee's cost share for a prescription drug. Neither a pharmacy nor a pharmacist shall be proscribed by a health maintenance organization from discussing this information or from selling to the enrollee a more affordable alternative if an affordable alternative is available.

(e) A health maintenance organization that covers prescription drugs may not include a provision that requires an enrollee to make payment for a prescription drug at the point of sale in an amount that exceeds the lesser of:

(1) the contracted copayment amount; or

(2) the amount of total approved charges by the health maintenance organization at the point of sale.

This subsection does not prohibit the adjudication of claims in accordance with an individual contract or group contract issued or administered by a health maintenance organization. The enrollee is not

liable for any additional charges or entitled to any credits as a result of the adjudicated claim.

(f) The health maintenance organization or a pharmacy benefits manager may not require a pharmacy or pharmacist to collect a higher copayment for a prescription drug from an enrollee than the health maintenance organization or pharmacy benefits manager allows the pharmacy or pharmacist to retain.

SECTION 22. IC 34-30-2-83.6 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 83.6. IC 16-41-43-5.5 (Concerning the administration of auto-injectable epinephrine by laypersons and the dispensing of auto-injectable epinephrine by pharmacists).**

SECTION 23. [EFFECTIVE JULY 1, 2020] **(a) IC 5-10-8-22.5, as added by this act, applies to a state employee health plan that is established, entered into, amended, or renewed after December 31, 2020.**

(b) IC 27-2-9.1, as added by this act, applies to a health plan that is issued, entered into, delivered, amended, or renewed after December 31, 2020.

(c) This SECTION expires June 30, 2023.

SECTION 24. **An emergency is declared for this act.**

P.L.115-2020
[H.1209. Approved March 18, 2020.]

AN ACT to amend the Indiana Code concerning insurance.

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

SECTION 1. IC 5-10-8-23 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 23. (a) As used in this section, "covered individual" means an individual who is entitled to coverage under a state employee health plan.**

(b) As used in this section, "emergency medical services provider organization" means a provider of emergency medical services that is certified by the Indiana emergency medical services commission as an advanced life support provider organization under rules adopted under IC 16-31-3.

(c) As used in this section, "state employee health plan" means either of the following that provides coverage for emergency medical services:

(1) A self-insurance program established under section 7(b) of this chapter to provide group health coverage.

(2) A contract with a prepaid health care delivery plan that is entered into or renewed under section 7(c) of this chapter.

(d) A state employee health plan that provides coverage for emergency medical services must at least provide reimbursement, subject to applicable deductible and coinsurance, for a covered individual for emergency medical services that are:

(1) rendered by an emergency medical services provider organization;

(2) within the emergency medical services provider organization's scope of practice;

(3) performed or provided as advanced life support services;

and

(4) performed or provided during a response initiated through the 911 system, regardless of whether the patient was transported.

(e) If multiple emergency medical services provider organizations qualify and submit a claim for reimbursement under this section for an encounter, the state employee health plan:

(1) may only reimburse, subject to applicable deductible and coinsurance, under this section for one (1) claim per patient encounter; and

(2) shall reimburse, subject to applicable deductible and coinsurance, the claim submitted by the emergency medical services provider organization that performed or provided the majority of advanced life support services for the patient.

(f) The state personnel department may adopt rules under IC 4-22-2, including emergency rules under IC 4-22-2-37.1, to implement this section.

(g) This section does not restrict the state employee health plan from providing coverage beyond the requirements in this section.

SECTION 2. IC 12-7-2-76.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 76.1. "Emergency medical services", for purposes of IC 12-15-5-18.5, has the meaning set forth in IC 16-18-2-110.**

SECTION 3. IC 12-15-5-18.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 18.5. (a) This section applies to an emergency medical services provider organization that meets the following requirements:**

(1) Is certified by the Indiana emergency medical services commission as an advanced life support provider organization under rules adopted under IC 16-31-3.

(2) Is a Medicaid provider.

(b) The office of the secretary shall provide reimbursement for Medicaid covered services provided to a Medicaid recipient that are:

(1) rendered by an emergency medical services provider

organization that is a Medicaid provider;

(2) within the emergency medical services provider organization's scope of practice;

(3) performed or provided as advanced life support services; and

(4) performed or provided during a response initiated through the 911 system, regardless of whether the patient is transported.

(c) If multiple emergency medical services provider organizations qualify and submit a claim for reimbursement under this section, the office of the secretary:

(1) may reimburse under this section only for one (1) claim per patient encounter; and

(2) shall reimburse the claim submitted by the emergency medical services provider organization that performed or provided the majority of advanced life support services.

(d) The office of the secretary may apply to the United States Department of Health and Human Services for any amendment to the state Medicaid plan or for any Medicaid waiver necessary to implement this section.

SECTION 4. IC 27-8-6-8 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 8. (a) As used in this section, "emergency medical services" has the meaning set forth in IC 16-18-2-110.**

(b) As used in this section, "emergency medical services provider organization" means a provider of emergency medical services that is certified by the Indiana emergency medical services commission as an advanced life support provider organization under rules adopted under IC 16-31-3.

(c) As used in this section, "policy of accident and sickness insurance" has the meaning set forth in IC 27-8-5-1. However, for purposes of this section, the term does not include the following:

(1) Accident only, credit, dental, vision, Medicare supplement, long term care, or disability income insurance.

(2) Coverage issued as a supplement to liability insurance.

(3) Automobile medical payment insurance.

(4) A specified disease policy.

(5) A policy that provides a stipulated daily, weekly, or monthly payment to an insured without regard to the actual expense of the confinement.

(6) A short term insurance plan (as defined in IC 27-8-5.9-3).

(d) A policy of accident and sickness insurance that provides coverage for emergency medical services must provide reimbursement for emergency medical services that are:

(1) rendered by an emergency medical services provider organization;

(2) within the emergency medical services provider organization's scope of practice;

(3) performed or provided as advanced life support services; and

(4) performed or provided during a response initiated through the 911 system regardless of whether the patient is transported.

(e) If multiple emergency medical services provider organizations qualify and submit a claim for reimbursement under this section for an encounter, the insurer:

(1) may reimburse under this section only for one (1) claim per patient encounter; and

(2) shall reimburse the claim submitted by the emergency medical services provider organization that performed or provided the majority of advanced life support services for the patient.

(f) The department may adopt rules under IC 4-22-2, including emergency rules under IC 4-22-2-37.1, to implement this section.

(g) This section does not require a policy of accident and sickness insurance to provide coverage for emergency medical services.

SECTION 5. IC 27-13-7-27 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 27. (a) This section applies to each of the following:**

(1) An individual contract.

(2) A group contract.

(b) As used in this section, "emergency medical services" has

the meaning set forth in IC 16-18-2-110.

(c) As used in this section, "emergency medical services provider organization" means a provider of emergency medical services that is certified by the Indiana emergency medical services commission as an advanced life support provider organization under rules adopted under IC 16-31-3.

(d) An individual contract and a group contract that provide coverage for emergency medical services must provide reimbursement for emergency medical services that are:

(1) rendered by an emergency medical services provider organization;

(2) within the emergency medical services provider organization's scope of practice;

(3) performed or provided as advanced life support services; and

(4) performed or provided during a response initiated through the 911 system regardless of whether the patient is transported.

(e) If multiple emergency medical services provider organizations qualify and submit a claim for reimbursement under this section, the health maintenance organization:

(1) may reimburse under this section only for one (1) claim per patient encounter; and

(2) shall reimburse the claim submitted by the emergency medical services provider organization that performed or provided the majority of advanced life support services.

(f) The department may adopt rules under IC 4-22-2, including emergency rules under IC 4-22-2-37.1, to implement this section.

(g) This section does not require an individual contract or a group contract to provide coverage for emergency medical services.

P.L.116-2020
[H.1225. Approved March 18, 2020.]

AN ACT to amend the Indiana Code concerning public safety and public safety officers.

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

SECTION 1. IC 9-19-13-4, AS AMENDED BY P.L.144-2019, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 4. A bus used to transport school children must be equipped as follows:

(1) At least two (2) signal lamps mounted as high and as widely spaced laterally as practicable, capable of displaying the front two (2) alternately flashing red lights located at the same level, and having sufficient intensity to be visible at five hundred (500) feet in normal sunlight.

~~(2) Black reflective tape mounted on:~~

~~(A) each side of the school bus;~~

~~(B) the front bumper; and~~

~~(C) the rear bumper.~~

~~(3)~~ **(2)** As required by the state school bus committee under IC 20-27-3-4.

~~(4)~~ **(3)** As required by IC 20-27-9.

SECTION 2. IC 9-19-14-4, AS AMENDED BY P.L.188-2015, SECTION 59, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 4. (a) The use of signal equipment described in this chapter imposes upon a driver of another vehicle the duty to yield right-of-way and stop as prescribed in IC 9-21-8-35.

(b) A driver who fails to yield right-of-way to and stop as prescribed in IC 9-21-8-35 for an emergency vehicle operating in an official capacity commits a Class C infraction. **However, the violation is a Level 6 felony if the person's failure to comply as described in this**

subsection results in serious bodily injury, catastrophic injury, or death to any person operating, occupying, or affiliated with an emergency vehicle operating in an official capacity.

SECTION 3. IC 9-21-8-35, AS AMENDED BY P.L.256-2017, SECTION 160, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 35. (a) Upon the immediate approach of an authorized emergency vehicle, when the person who drives the authorized emergency vehicle is giving audible signal by siren or displaying alternately flashing red, red and white, or red and blue lights, a person who drives another vehicle shall do the following unless otherwise directed by a law enforcement officer:

(1) Yield the right-of-way.

(2) Immediately drive to a position parallel to and as close as possible to the right-hand edge or curb of the highway clear of any intersection.

(3) Stop and remain in the position until the authorized emergency vehicle has passed.

(b) Upon approaching a stationary authorized emergency vehicle, when the authorized emergency vehicle is giving a signal by displaying alternately flashing red, red and white, or red and blue lights, a person who drives an approaching vehicle shall:

(1) proceeding with due caution, yield the right-of-way by making a lane change into a lane not adjacent to that of the authorized emergency vehicle, if possible with due regard to safety and traffic conditions, if on a highway having at least four (4) lanes with not less than two (2) lanes proceeding in the same direction as the approaching vehicle; or

(2) proceeding with due caution, reduce the speed of the vehicle to a speed at least ten (10) miles per hour less than the posted speed limit, maintaining a safe speed for road conditions, if changing lanes would be impossible or unsafe.

A person who violates this subsection commits a Class A infraction. **However, the violation is a Level 6 felony if the person's failure to comply with this subsection results in serious bodily injury, catastrophic injury, or death to any person operating, occupying, or affiliated with an authorized emergency vehicle described in this subsection.**

(c) Upon approaching a stationary recovery vehicle, a stationary utility service vehicle (as defined in IC 8-1-8.3-5), a stationary solid waste hauler, a stationary road, street, or highway maintenance vehicle, or a stationary survey or construction vehicle, when the vehicle is giving a signal by displaying alternately flashing amber lights, a person who drives an approaching vehicle shall:

(1) proceeding with due caution, yield the right-of-way by making a lane change into a lane not adjacent to that of the recovery vehicle, utility service vehicle, solid waste hauler, or road, street, or highway maintenance vehicle, if possible with due regard to safety and traffic conditions, if on a highway having at least four (4) lanes with not less than two (2) lanes proceeding in the same direction as the approaching vehicle; or

(2) proceeding with due caution, reduce the speed of the vehicle to a speed at least ten (10) miles per hour less than the posted speed limit, maintaining a safe speed for road conditions, if changing lanes would be impossible or unsafe.

A person who violates this section commits a Class B infraction.

(d) This section does not operate to relieve the person who drives an authorized emergency vehicle, a recovery vehicle, a utility service vehicle, solid waste hauler, a road, street, or highway maintenance vehicle, or a stationary survey or construction vehicle from the duty to operate the vehicle with due regard for the safety of all persons using the highway.

SECTION 4. IC 35-44.1-3-1, AS AMENDED BY P.L.184-2019, SECTION 12, AND AS AMENDED BY P.L.201-2019, SECTION 3, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1. (a) A person who knowingly or intentionally:

(1) forcibly resists, obstructs, or interferes with a law enforcement officer or a person assisting the officer while the officer is lawfully engaged in the execution of the officer's duties;

(2) forcibly resists, obstructs, or interferes with the authorized service or execution of a civil or criminal process or order of a court; or

(3) flees from a law enforcement officer after the officer has, by visible or audible means, including operation of the law

enforcement officer's siren or emergency lights, identified himself or herself and ordered the person to stop;

commits resisting law enforcement, a Class A misdemeanor, except as provided in ~~*subsection (b).*~~ *subsection (c)* **or (d).**

(b) A person who, having been denied entry by a law enforcement officer, knowingly or intentionally enters an area that is marked off with barrier tape or other physical barriers, commits interfering with law enforcement, a Class B misdemeanor, except as provided in subsection (c) or ~~*(h).*~~ **(k).**

~~*(b)*~~ *(c)* The offense under subsection (a) *or (b)* is a:

(1) Level 6 felony if:

(A) ~~*the offense is described in subsection (a)(3) and*~~ the person uses a vehicle to commit the offense; or

(B) while committing ~~*any*~~ *the* offense, ~~*described in subsection (a),*~~ the person draws or uses a deadly weapon, inflicts bodily injury on or otherwise causes bodily injury to another person, or operates a vehicle in a manner that creates a substantial risk of bodily injury to another person;

(2) Level 5 felony if, while committing ~~*any*~~ *the* offense, ~~*described in subsection (a),*~~ the person operates a vehicle in a manner that causes serious bodily injury to another person;

(3) Level 3 felony if, while committing ~~*any*~~ *the* offense, ~~*described in subsection (a),*~~ the person operates a vehicle in a manner that causes the death *or catastrophic injury* of another person; and

(4) Level 2 felony if, while committing any offense described in subsection (a), the person operates a vehicle in a manner that causes the death *or catastrophic injury* of a law enforcement officer while the law enforcement officer is engaged in the officer's official duties.

(d) The offense under subsection (a) is a Level 6 felony if, while committing an offense under:

(1) subsection (a)(1) or (a)(2), the person:

(A) creates a substantial risk of bodily injury to the person or another person; and

(B) has two (2) or more prior unrelated convictions under subsection (a); or

(2) subsection (a)(3), the person has two (2) or more prior

unrelated convictions under subsection (a).

~~*(c)*~~ ~~*(d)*~~ **(e)** If a person uses a vehicle to commit a felony offense under subsection ~~*(b)(1)(B), (b)(2), (b)(3), or (b)(4)*~~ *(c)(1)(B), (c)(2), (c)(3), or (c)(4),* as part of the criminal penalty imposed for the offense, the court shall impose a minimum executed sentence of at least:

(1) thirty (30) days, if the person does not have a prior unrelated conviction under this section;

(2) one hundred eighty (180) days, if the person has one (1) prior unrelated conviction under this section; or

(3) one (1) year, if the person has two (2) or more prior unrelated convictions under this section.

~~*(d)*~~ ~~*(e)*~~ **(f)** Notwithstanding IC 35-50-2-2.2 and IC 35-50-3-1, the mandatory minimum sentence imposed under subsection ~~*(c)*~~ ~~*(d)*~~ **(e)** may not be suspended.

~~*(e)*~~ ~~*(f)*~~ **(g)** If a person is convicted of an offense involving the use of a motor vehicle under:

(1) ~~*subsection (b)(1)(A),*~~ *subsection (c)(1)(A)*, if the person exceeded the speed limit by at least twenty (20) miles per hour while committing the offense;

(2) ~~*subsection (b)(2);*~~ *subsection (c)(2);* or

(3) ~~*subsection (b)(3);*~~ *subsection (c)(3);*

the court may notify the bureau of motor vehicles to suspend or revoke the person's driver's license and all certificates of registration and license plates issued or registered in the person's name in accordance with IC 9-30-4-6.1(b)(3) for the period described in IC 9-30-4-6.1(d)(1) or IC 9-30-4-6.1(d)(2). The court shall inform the bureau whether the person has been sentenced to a term of incarceration. At the time of conviction, the court may obtain the person's current driver's license and return the license to the bureau of motor vehicles.

~~*(f)*~~ ~~*(g)*~~ **(h)** A person may not be charged or convicted of a crime under subsection (a)(3) if the law enforcement officer is a school resource officer acting in the officer's capacity as a school resource officer.

~~*(g)*~~ **(i)** *A person who commits an offense described in subsection* ~~*(b)*~~ **(c)** *commits a separate offense for each person whose bodily injury, serious bodily injury, catastrophic injury, or death is caused*

by a violation of subsection ~~(b).~~ **(c).**

~~(h)~~ **(j)** *A court may order terms of imprisonment imposed on a person convicted of more than one (1) offense described in subsection ~~(b)~~* **(c)** *to run consecutively. Consecutive terms of imprisonment imposed under this subsection are not subject to the sentencing restrictions set forth in IC 35-50-1-2(c) through IC 35-50-1-2(d).*

~~(h)~~ **(k)** *As used in this subsection, "family member" means a child, grandchild, parent, grandparent, or spouse of the person. It is a defense to a prosecution under subsection (b) that the person reasonably believed that the person's family member:*

(1) was in the marked off area; and

(2) had suffered bodily injury or was at risk of suffering bodily injury;

if the person is not charged as a defendant in connection with the offense, if applicable, that caused the area to be secured by barrier tape or other physical barriers.

SECTION 5. IC 35-52-9-11.3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 11.3. IC 9-19-14-4 defines a crime concerning traffic regulation.**

SECTION 6. IC 35-52-9-14.6 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 14.6. IC 9-21-8-35 defines a crime concerning traffic regulation.**

P.L.117-2020
[H.1235. Approved March 18, 2020.]

AN ACT to amend the Indiana Code concerning public safety.

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

SECTION 1. IC 36-8-4-6.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6.5. (a) This section applies to the appointment of a police chief or deputy police chief in all cities.

(b) An applicant must meet the following requirements:

(1) Have five (5) years of service as:

(A) a police officer with a full-time, paid police department or agency; **or**

(B) a federal enforcement officer (as defined in IC 35-31.5-2-129) with a full-time, paid federal law enforcement agency.

(2) Be a citizen of the United States.

(3) Be a high school graduate or equivalent.

(4) Be at least twenty-one (21) years of age.

(5) Be free of mental illness.

(6) Be physically fit.

(7) Have successfully completed:

(A) the minimum basic training requirements established by the law enforcement training board under IC 5-2-1, or have continuous service with the same department to which the applicant was appointed as a law enforcement officer before July 6, 1972; **or**

(B) the minimum basic federal law enforcement training requirements that are substantially equivalent to the training requirements as described in clause (A).

(c) In addition to the requirements of subsection (b), an applicant for

appointment as police chief or deputy police chief must have at least five (5) years of continuous service with the police department of that city **or with the same federal law enforcement agency** immediately before the appointment. This requirement may be waived by the city executive.

SECTION 2. IC 36-8-16.6-11, AS AMENDED BY P.L.36-2016, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. (a) The board shall impose an enhanced prepaid wireless charge on each retail transaction. The charge is not required to be paid by an eligible telecommunications carrier that is required to pay the monthly statewide 911 fee under IC 36-8-16.7-32 for the same transaction. The amount of the charge is one dollar ($1). The board may increase the enhanced prepaid wireless charge to ensure adequate revenue for the board to fulfill its duties and obligations under this chapter and IC 36-8-16.7. The following apply to an increase in the enhanced prepaid wireless charge:

(1) The board may increase the charge only one (1) time ~~after June 30, 2015, and before July 1, 2020.~~ **after April 1, 2020, and before July 1, 2023, in an amount not to exceed ten cents ($0.10).**

(2) The board may increase the charge only after review by the budget committee.

~~(3) If the board increases the charge, the amount of the increase must be ten cents ($0.10).~~

(b) A consumer that is the federal government or an agency of the federal government is exempt from the enhanced prepaid wireless charge imposed under this section.

(c) This subsection applies to an eligible telecommunications carrier for purposes of receiving Lifeline reimbursement from the universal service fund through the administrator designated by the Federal Communications Commission. An eligible telecommunications carrier:

(1) is not considered an agency of the federal government for purposes of the exemption set forth in subsection (b); and

(2) with respect to prepaid wireless telecommunications service provided to end users by the eligible telecommunications carrier in its capacity as an eligible telecommunications carrier, is liable for the charge imposed under subsection (d).

(d) Beginning September 1, 2015, and on the first day of each month thereafter, an eligible telecommunications carrier described in subsection (c) shall pay to the board a charge equal to the product of the following factors:

(1) The enhanced prepaid wireless charge established under subsection (a).

(2) The number of unique end users for which the eligible telecommunications carrier received reimbursement from the universal service fund during the immediately preceding month.

The eligible telecommunications carrier may bill and collect from each end user the charges calculated under this subsection with respect to the end user. The eligible telecommunications carrier shall determine the manner in which the eligible telecommunications carrier bills and collects the charges. Except as provided in section 15 of this chapter, an eligible telecommunications carrier may not bill and collect from an end user an amount greater than the charges paid by the eligible telecommunications carrier to the board with respect to the end user.

(e) If the board increases the enhanced prepaid wireless charge under subsection (a), the board shall provide written notice to the department of state revenue not later than sixty (60) days before the date the increase takes effect that includes:

(1) the effective date for the increase; and

(2) the amount of the charge as increased by the board.

SECTION 3. IC 36-8-16.7-22, AS ADDED BY P.L.132-2012, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 22. ~~(a)~~ As used in this chapter, "statewide 911 system" means a communications system that uses the three (3) digit number 911 to send:

(1) an emergency call for assistance from the public by voice, text message, or other communication method or a functional equivalent or successor;

~~(1)~~ **(2)** automatic number identification or its functional equivalent or successor; and

~~(2)~~ **(3)** automatic location information or its functional equivalent or successor;

for reporting police, fire, medical, or other emergency situations.

~~(b) The term includes the following:~~

~~(1) A wireless 911 emergency telephone system funded under IC 36-8-16.5 (before its repeal on July 1, 2012).~~

~~(2) An emergency notification system.~~

~~(c) The term does not include a wireline enhanced emergency telephone system funded under IC 36-8-16 (before its repeal on July 1, 2012).~~

SECTION 4. IC 36-8-16.7-32, AS AMENDED BY P.L.85-2017, SECTION 127, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 32. (a) Except as provided in subsections (b) and (d), and subject to section 48(e) of this chapter, the board shall assess a monthly statewide 911 fee on each standard user that is a customer having a place of primary use in Indiana at a rate that ensures full recovery of the amount needed for the board to make distributions to county treasurers consistent with this chapter and that provides for the proper development, operation, and maintenance of a statewide 911 system. The amount of the fee assessed under this subsection is one dollar ($1). The board may adjust the statewide 911 fee to ensure adequate revenue for the board to fulfill the board's duties and obligations under this chapter, subject to the following:

(1) The following apply to an increase in the fee:

(A) The board may increase the fee only one (1) time ~~after June 30, 2015, and before July 1, 2020.~~ **after April 1, 2020, and before July 1, 2023, in an amount not to exceed ten cents ($0.10).**

(B) The board may increase the fee only after review by the budget committee.

~~(C) If the board increases the fee, the amount of the increase must be ten cents ($0.10).~~

(2) The fee may not be lowered more than one (1) time in a calendar year.

(3) The fee may not be lowered by an amount that is more than ten cents ($0.10) without legislative approval.

(b) The fee assessed under this section does not apply to a prepaid user in a retail transaction under IC 36-8-16.6.

(c) An additional fee relating to the provision of 911 service may not be levied by a state agency or local unit of government. An enhanced prepaid wireless charge (as defined in IC 36-8-16.6-4) is not considered

an additional fee relating to the provision of wireless 911 service for purposes of this section.

(d) A user is exempt from the fee if the user is any of the following:

(1) The federal government or an agency of the federal government.

(2) The state or an agency or instrumentality of the state.

(3) A political subdivision (as defined in IC 36-1-2-13) or an agency of a political subdivision.

(4) A user that accesses communications service solely through a wireless data only service plan.

(e) This subsection applies to an eligible telecommunications carrier for purposes of receiving Lifeline reimbursement from the universal service fund through the administrator designated by the Federal Communications Commission. An eligible telecommunications carrier:

(1) is not considered an agency of the federal government for purposes of the exemption set forth in subsection (d); and

(2) with respect to communications service provided to end users by the eligible telecommunications carrier in its capacity as an eligible telecommunications carrier, is liable for the fee assessed under subsection (f).

(f) Beginning September 1, 2015, and on the first day of each month thereafter, an eligible telecommunications carrier described in subsection (e) shall pay to the board a fee equal to the product of the following factors:

(1) The monthly statewide 911 fee established under subsection (a).

(2) The number of unique end users for which the eligible telecommunications carrier received reimbursement from the universal service fund during the immediately preceding month.

The eligible telecommunications carrier may bill and collect from each end user the fees calculated under this subsection with respect to the end user. The eligible telecommunications carrier shall determine the manner in which the eligible telecommunications carrier bills and collects the fees. Except as provided in section 33(c) of this chapter, an eligible telecommunications carrier may not bill and collect from an end user an amount greater than the fees paid by the eligible telecommunications carrier to the board with respect to the end user.

(g) If the board increases the statewide 911 fee under subsection (a), the board shall provide written notice to the department of state revenue not later than sixty (60) days before the date the increase takes effect that includes:

(1) the effective date for the increase; and

(2) the amount of the charge as increased by the board.

SECTION 5. **An emergency is declared for this act.**

P.L.118-2020

[H.1243. Approved March 18, 2020.]

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

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

SECTION 1. IC 25-17.3-2-4, AS ADDED BY P.L.177-2009, SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 4. "Genetic counseling" means the communication by an individual ~~of any of the following:~~ **to**

~~(1) Estimating,~~ **estimate,** through the following methods, the likelihood of the occurrence or recurrence of a birth defect or a potentially inherited or genetically influenced condition:

~~(A) Obtaining and analyzing the health history of an individual and the individual's family.~~

~~(B) Reviewing medical records.~~

~~(C) Evaluating the risks of exposure to possible mutagens or teratogens.~~

~~(D) Recommending genetic testing or other evaluation to detect fetal abnormalities or determine the carrier status of a family member.~~

~~(2) Explaining to an individual or a family the following:~~

~~(A) The medical, psychological, and social implications of a disorder and the usual course of evaluation, treatment, or management.~~

~~(B) The genetic factors that contribute to the disorder and how the genetic factors affect the chance for recurrence of the condition in other family members.~~

~~(C) The available options for coping with, preventing, or reducing the chance of occurrence or recurrence of the disorder.~~

~~(D) The genetic or other tests available for inherited disorders.~~

~~(E) How to interpret complex genetic test results.~~

(1) Obtain and evaluate individual, family, and medical histories to determine genetic risk for genetic and medical conditions and diseases in a patient, the patient's children, and other family members.

(2) Discuss the features, natural history, means of diagnosis, genetic and environmental factors, and management of risk for genetic and medical conditions and diseases.

(3) Identify, order, and coordinate genetic laboratory tests and other diagnostic studies as appropriate for the genetic assessment.

(4) Integrate genetic laboratory test results and other diagnostic studies with personal and family medical history to assess and communicate genetic risk factors.

(5) Explain the clinical implications of genetic laboratory tests, other diagnostic studies, and the results.

(6) Evaluate the client's or family's responses to the condition or risk of recurrence and provide client centered counseling and anticipatory guidance.

(7) Identify and use community resources that provide medical, educational, financial, and psychosocial support and advocacy.

(8) Provide written documentation of medical, genetic, and counseling information for families and health care professionals.

SECTION 2. IC 25-17.3-4-1, AS ADDED BY P.L.177-2009, SECTION 35, IS AMENDED TO READ AS FOLLOWS

[EFFECTIVE JULY 1, 2020]: Sec. 1. To qualify for licensure as a genetic counselor, an applicant must:

(1) submit an application on a form developed by the board;

(2) pay the licensure fee determined by the board;

(3) provide written evidence that the applicant has earned:

(A) a master's degree from a genetic counseling training program accredited by the ~~American Board of~~ **Accreditation Council for** Genetic ~~Counseling~~ **Counselors** or its successor; or

(B) a doctoral degree from a medical genetics training program that is accredited by the American Board of Medical Genetics **and Genomics** or its successor; and

(4) meet the examination requirement for certification as:

(A) a genetic counselor by the American Board of Genetic Counseling or the American Board of Medical Genetics **and Genomics** or the successor of these entities; or

(B) a medical geneticist by the American Board of Medical Genetics **and Genomics** or its successor.

SECTION 3. IC 25-17.3-4-2, AS AMENDED BY P.L.1-2010, SECTION 107, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 2. (a) The board may issue a temporary license to an applicant who:

(1) meets all the requirements for licensure under section 1 of this chapter except the examination for certification requirement set forth in section 1(4) of this chapter; and

(2) has an active candidate status for the certification.

(b) An individual who is issued a temporary license under this section

~~(1) must apply for and take the next available examination for certification; and~~

~~(2)~~ may practice under the temporary license only if directly supervised by a licensed genetic counselor or a physician licensed under IC 25-22.5 under a genetic supervision contract.

(c) An individual who holds a temporary license issued under this section and fails the examination for certification described in section 1(4) of this chapter for the first time may reapply for a second temporary license. The board may not issue a temporary license to an

individual who has failed the examination for certification more than one (1) time.

(d) A temporary license issued under this section expires upon the earliest of the following:

(1) The date on which the individual meets the requirements of this chapter and is issued a license.

(2) The date that is thirty (30) days after the individual ~~fails the examination for certification described in section 1(4) of this chapter.~~ **loses active candidate status through the American Board of Genetic Counseling.**

(3) The date printed on the temporary license.

(e) An individual who is issued a temporary license under this section shall inform the board of the results of the individual's examination for certification described in section 1(4) of this chapter.

SECTION 4. IC 25-17.3-4-4, AS ADDED BY P.L.177-2009, SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 4. The following individuals are not required to be licensed under this article:

(1) An individual who is licensed as a physician under IC 25-22.5 or a nurse under IC 25-23. However, the individual may not use the title "genetic counselor" or any other title that indicates that the individual is a genetic counselor unless the individual is licensed under this article.

(2) A student or an intern from an accredited school who is participating in a supervised training program.

(3) An individual from another state who is certified by the American Board of Medical Genetics **and Genomics** or the American Board of Genetic Counseling **or the successor of these entities** and acting in Indiana on a consultant basis.

SECTION 5. IC 25-17.3-4-6, AS ADDED BY P.L.177-2009, SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 6. (a) To renew a license under this article, an applicant must complete continuing education ~~The continuing education must meet the requirements of IC 25-1-4 and consist of:~~

~~(1) the completion in each two (2) year license cycle of fifty (50) contact hours that have been approved by the National Society of Genetic Counselors; or~~

~~(2) the successful completion in each two (2) year license cycle of a reading assignment and proctored examination in medical genetics provided by the American Board of Medical Genetics.~~ **and maintain the certification status as follows:**

(1) For a genetic counselor, certification from the American Board of Genetic Counseling or its successor.

(2) For a medical geneticist, certification by the American Board of Medical Genetics and Genomics or its successor.

(b) An applicant seeking renewal of a license shall certify that the applicant

~~(1)~~ has complied with the continuing education requirements ~~or~~

~~(2) has not complied with the continuing education requirements but is seeking a waiver from the board under section 7 of this chapter.~~ **required by the certifying organization in subsection (a).**

SECTION 6. IC 25-17.3-4-7 IS REPEALED [EFFECTIVE JULY 1, 2020]. ~~Sec. 7. The board may grant an applicant seeking renewal of a license a waiver from all or part of the continuing education requirement for the renewal period if the applicant was not able to fulfill the requirement due to a hardship that resulted from any of the following conditions:~~

~~(1) Service in the armed forces of the United States during a substantial part of the renewal period.~~

~~(2) An incapacitating illness or injury.~~

~~(3) Other circumstances determined by the board.~~

SECTION 7. IC 25-17.3-5-2.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 2.5. (a) Section 3 of this chapter does not apply to this section.**

(b) A genetic counselor may not be required to:

(1) perform;

(2) participate in; or

(3) provide;

a service that violates any sincerely held ethical, moral, or religious belief held by the genetic counselor. An employer may not discriminate against or discipline a genetic counselor because of any sincerely held ethical, moral, or religious belief of the genetic

counselor in the performance of the genetic counselor's employment.

(c) A civil action for damages or reinstatement of employment, or both, may be brought for any violation of this section.

SECTION 8. IC 25-17.3-5-3, AS ADDED BY P.L.177-2009, SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 3. **(a) This section does not apply to section 2.5 of this chapter.**

(b) A person who violates this chapter commits a Class A misdemeanor. In addition to any other penalty imposed for a violation of this chapter, the board may, in the name of the state of Indiana through the attorney general, petition a circuit or superior court to enjoin the person who is violating this chapter from practicing genetic counseling in violation of this chapter.

P.L.119-2020
[H.1244. Approved March 18, 2020.]

AN ACT to amend the Indiana Code concerning labor and safety.

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

SECTION 1. IC 22-4-14-3, AS AMENDED BY P.L.171-2016, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) An individual who is receiving benefits as determined under IC 22-4-15-1(c)(8) may restrict the individual's availability because of the individual's need to address the physical, psychological, or legal effects of being a victim of domestic or family violence (as defined in IC 31-9-2-42).

(b) An unemployed individual shall be eligible to receive benefits with respect to any week only if the individual:

(1) is physically and mentally able to work;

(2) is available for work;

(3) is found by the department to be making an effort to secure full-time work; and

(4) participates in reemployment services and reemployment and eligibility assessment activities as required by section 3.2 of this chapter or when directed by the department as provided under section 3.5 of this chapter, unless the department determines that:

(A) the individual has completed the reemployment services; or

(B) failure by the individual to participate in or complete the reemployment services is excused by the director under IC 22-4-14-2(b).

~~The term "effort to secure full-time work" shall be defined by the department through rule which shall take into consideration whether such individual has a reasonable assurance of reemployment and, if so, the length of the prospective period of unemployment. However, if an otherwise eligible individual is unable to work or unavailable for work on any normal work day of the week the individual shall be eligible to receive benefits with respect to such week reduced by one-third (1/3) of the individual's weekly benefit amount for each day of such inability to work or unavailability for work.~~

(c) For the purpose of this article, unavailability for work of an individual exists in, but is not limited to, any case in which, with respect to any week, it is found:

(1) that such individual is engaged by any unit, agency, or instrumentality of the United States, in charge of public works or assistance through public employment, or any unit, agency, or instrumentality of this state, or any political subdivision thereof, in charge of any public works or assistance through public employment;

(2) that such individual is in full-time active military service of the United States, or is enrolled in civilian service as a conscientious objector to military service;

(3) that such individual is suspended for misconduct in connection with the individual's work; or

(4) that such individual is in attendance at a regularly established

public or private school during the customary hours of the individual's occupation or is in any vacation period intervening between regular school terms during which the individual is a student. However, this subdivision does not apply to any individual who is attending a regularly established school, has been regularly employed and upon becoming unemployed makes an effort to secure full-time work and is available for suitable full-time work with the individual's last employer, or is available for any other full-time employment deemed suitable.

(d) Notwithstanding any other provisions in this section or IC 22-4-15-2, no otherwise eligible individual shall be denied benefits for any week because the individual is in training with the approval of the department, nor shall such individual be denied benefits with respect to any week in which the individual is in training with the approval of the department by reason of the application of the provisions of this section with respect to the availability for work or active search for work or by reason of the application of the provisions of IC 22-4-15-2 relating to failure to apply for, or the refusal to accept, suitable work. The department shall by rule prescribe the conditions under which approval of such training will be granted.

(e) Notwithstanding subsection (b), (c), or (d), or IC 22-4-15-2, an otherwise eligible individual shall not be denied benefits for any week or determined not able, available, and actively seeking work, because the individual is responding to a summons for jury service. The individual shall:

(1) obtain from the court proof of the individual's jury service; and

(2) provide to the department, in the manner the department prescribes by rule, proof of the individual's jury service.

(f) If an otherwise eligible individual is unable to work or unavailable for work on any normal work day of the week, the individual shall be eligible to receive benefits with respect to such week reduced by one-third (1/3) of the individual's weekly benefit amount for each day of such inability to work or unavailability for work.

(g) An individual has made an effort to secure full-time work with respect to any week in which the individual has:

(1) completed activities directed by the department under

sections 3.2 and 3.5 of this chapter;

(2) completed any work search activities as directed by the department under rules adopted by the department under subsection (h); and

(3) affirmed the individual has made an effort to secure full-time work.

(h) Not later than December 31, 2021, the department shall adopt rules under IC 4-22-2, including emergency rules adopted in the same manner provided under IC 4-22-2-37.1, to define:

(1) the acceptable types of work search activities;

(2) the number of work search activities required to be completed in any week;

(3) the requirements for producing documentation; and

(4) the requirement to apply to, and accept if offered, suitable jobs referred by the department.

(i) The rules adopted by the department under subsection (h) shall:

(1) take into consideration whether an individual has a reasonable assurance of reemployment and, if so, the length of the prospective period of unemployment; and

(2) be consistent with the guidance provided by the United States Department of Labor in Training and Employment Notice No. 17-19, dated February 10, 2020.

SECTION 2. IC 22-4-17-6, AS AMENDED BY P.L.122-2019, SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 6. (a) The manner in which disputed claims shall be presented and the conduct of hearings and appeals, including the conduct of administrative law judges, review board members, and other individuals who adjudicate claims during a hearing or other adjudicative process, shall be in accordance with rules adopted by the department for determining the rights of the parties, whether or not the rules conform to common law or statutory rules of evidence and other technical rules of procedure.

(b) The proceedings before an administrative law judge are de novo, except as provided in subsection (c).

(c) Administrative law judges, review board members, and other individuals who adjudicate claims during a hearing or other

adjudicative process may consider as evidence and include in the record described in subsection (d) records of the department that are material to the issues being considered in the hearing if the records are made available to the interested parties prior to the hearing through the following:

(1) The United States mail.

(2) The department's electronic portal.

~~(b)~~ **(d)** A full and complete record shall be kept of all proceedings in connection with a disputed claim. The testimony at any hearing upon a disputed claim need not be transcribed unless the disputed claim is further appealed.

~~(c)~~ **(e)** Each party to a hearing before an administrative law judge held under section 3 of this chapter shall be sent a notice of the hearing at least ten (10) days before the date of the hearing specifying the date, place, and time of the hearing, identifying the issues to be decided, and providing complete information about the rules of evidence and standards of proof that the administrative law judge will use to determine the validity of the claim.

~~(d)~~ **(f)** If a hearing so scheduled has not commenced within at least sixty (60) minutes of the time for which it was scheduled, then a party involved in the hearing may request a continuance of the hearing. Upon submission of a request for continuance of a hearing under circumstances provided in this section, the continuance shall be granted unless the party requesting the continuance was responsible for the delay in the commencement of the hearing as originally scheduled. In the latter instance, the continuance shall be discretionary with the administrative law judge. Testimony or other evidence introduced by a party at a hearing before an administrative law judge or the review board that another party to the hearing:

(1) is not prepared to meet; and

(2) by ordinary prudence could not be expected to have anticipated;

shall be good cause for continuance of the hearing and upon motion such continuance shall be granted.

SECTION 3. [EFFECTIVE UPON PASSAGE] **(a) 646 IAC 5-9-3 is void.**

(b) The publisher of the Indiana Administrative Code and the

Indiana Register shall remove the rule voided by subsection (a) from the Indiana Administrative Code.

(c) This SECTION expires January 1, 2021.

SECTION 4. **An emergency is declared for this act.**

P.L.120-2020
[H.1246. Approved March 18, 2020.]

AN ACT to amend the Indiana Code concerning motor vehicles.

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

SECTION 1. IC 9-13-2-1.9 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 1.9. "Airbag", for purposes of IC 9-19-10.5, has the meaning set forth in IC 9-19-10.5-0.2.**

SECTION 2. IC 9-13-2-10, AS AMENDED BY P.L.198-2016, SECTION 83, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 10. **(a)** "Automotive salvage recycler", **except as provided in subsection (b),** means a person that:

(1) acquires damaged, inoperative, discarded, abandoned, or salvage vehicles, or their remains, as stock-in-trade;

(2) dismantles, shreds, compacts, crushes, or otherwise processes such vehicles or remains for the reclamation and sale of reusable components and parts;

(3) disposes of recyclable materials to a scrap metal processor or other appropriate facility; or

(4) performs any combination of these actions.

For purposes of this title, a recycling facility, a used parts dealer, and an automotive salvage rebuilder are all considered as an automotive salvage recycler.

(b) "Automotive salvage recycler", for purposes of IC 9-32, does not include a person that holds a valid automobile auction license under IC 9-32 unless the person is a recycling facility, a used parts dealer, or an automotive salvage rebuilder.

SECTION 3. IC 9-13-2-38.9 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 38.9. "Counterfeit supplemental restraint system component", for purposes of IC 9-19-10.5, has the meaning set forth in IC 9-19-10.5-0.4.**

SECTION 4. IC 9-13-2-39.7, AS AMENDED BY P.L.178-2019, SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 39.7. **(a)** "Credential" means the following:

(1) The following forms of documentation in physical form issued by the bureau under IC 9-24:

(A) A driver's license.

(B) A learner's permit.

(C) An identification card.

(D) A photo exempt identification card.

(2) The following forms of documentation in the form of a mobile credential issued by the bureau under IC 9-24:

(A) Except for a commercial driver's license issued under IC 9-24-6.1, a driver's license.

(B) Except for a commercial learner's permit issued under IC 9-24-6.1, a learner's permit.

(C) An identification card.

(b) Notwithstanding the July 1, 2021, effective date in HEA 1506-2019, SECTION 32 (P.L.178-2019), this section takes effect July 1, 2020 (rather than July 1, 2021).

SECTION 5. IC 9-13-2-48, AS AMENDED BY P.L.178-2019, SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 48. **(a)** "Driver's license" means the following:

(1) Any type of license issued by the state in physical form authorizing an individual to operate the type of vehicle for which the license was issued, in the manner for which the license was issued, on a highway. The term includes any endorsements added

to the license under IC 9-24-8.5.

(2) Except for a commercial driver's license issued under IC 9-24-6.1, any type of license issued by the state in the form of a mobile credential authorizing an individual to operate the type of vehicle for which the license was issued, in the manner for which the license was issued, on a highway. The term includes any endorsements added to the license under IC 9-24-8.5.

(b) Notwithstanding the July 1, 2021, effective date in HEA 1506-2019, SECTION 33 (P.L.178-2019), this section takes effect July 1, 2020 (rather than July 1, 2021).

SECTION 6. IC 9-13-2-50.5, AS ADDED BY P.L.92-2013, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 50.5. "Executive", for purposes of ~~IC 9-32-11-11(f),~~ **IC 9-32-11-11(e),** has the meaning set forth in ~~IC 9-32-11-11(f).~~ **IC 9-32-11-11(e).**

SECTION 7. IC 9-13-2-74.5, AS AMENDED BY P.L.178-2019, SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 74.5. **(a)** "Identification card" means an identification document issued by a state government either in physical form or in the form of a mobile credential for purposes of identification.

(b) Notwithstanding the July 1, 2021, effective date in HEA 1506-2019, SECTION 34 (P.L.178-2019), this section takes effect July 1, 2020 (rather than July 1, 2021).

SECTION 8. IC 9-13-2-79.7 IS REPEALED [EFFECTIVE JULY 1, 2020]. ~~Sec. 79.7. "Inflatable restraint system", for purposes of IC 9-19-10.5, has the meaning set forth in IC 9-19-10.5-1.~~

SECTION 9. IC 9-13-2-97, AS AMENDED BY P.L.257-2017, SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 97. (a) "Manufacturer" means, except as provided in subsection (b), a person engaged in the business of constructing or assembling vehicles, of a type required to be registered under IC 9-18 (before its expiration) or IC 9-18.1 at an established place of business. The term does not include a converter manufacturer, an automotive mobility dealer, or a recreational vehicle manufacturer.

(b) "Manufacturer", for purposes of IC 9-32, means a person who is

engaged in the business of manufacturing or assembling new motor vehicles or major component parts of motor vehicles, or both, and sells new motor vehicles to dealers, wholesale dealers, distributors, or the general public. The term includes the following:

(1) A factory branch office of the manufacturer.

(2) A partnership, a firm, an association, a joint venture, a limited liability company, a corporation, or a trust, resident or nonresident, that is controlled by the manufacturer.

The term does not include a converter manufacturer, an automotive mobility dealer, **a manufactured home manufacturer,** or a recreational vehicle manufacturer.

SECTION 10. IC 9-13-2-103.4, AS ADDED BY P.L.178-2019, SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 103.4. **(a)** "Mobile credential" means a digital representation issued by the bureau under IC 9-24-17.5 of the information contained on the following:

(1) A driver's license.

(2) A learner's permit.

(3) An identification card.

The term does not include a commercial driver's license or commercial learner's permit issued under IC 9-24-6.1 or a photo exempt identification card issued under IC 9-24-16.5.

(b) Notwithstanding the July 1, 2021, effective date in HEA 1506-2019, SECTION 36 (P.L.178-2019), this section takes effect July 1, 2020 (rather than July 1, 2021).

SECTION 11. IC 9-13-2-105, AS AMENDED BY P.L.211-2019, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 105. (a) "Motor vehicle" means, except as otherwise provided in this section, a vehicle that is self-propelled. The term does not include a farm tractor, an implement of agriculture designed to be operated primarily in a farm field or on farm premises, an electric bicycle, an electric foot scooter, or an electric personal assistive mobility device.

(b) "Motor vehicle", for purposes of IC 9-21, means:

(1) a vehicle that is self-propelled; or

(2) a vehicle that is propelled by electric power obtained from overhead trolley wires, but not operated upon rails.

The term does not include an electric foot scooter.

(c) "Motor vehicle", for purposes of IC 9-32, includes a semitrailer, trailer, **an off-road vehicle, a snowmobile, a mini-truck, a manufactured home,** or **a** recreational vehicle. The term does not include an electric foot scooter.

SECTION 12. IC 9-13-2-111.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 111.5. "New motor vehicle dealer", for purposes of IC 9-32, has the meaning set forth in IC 9-32-2-18.3.**

SECTION 13. IC 9-13-2-111.8 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 111.8. "Nonfunctional airbag", for purposes of IC 9-19-10.5, has the meaning set forth in IC 9-19-10.5-0.8.**

SECTION 14. IC 9-13-2-123.5, AS AMENDED BY P.L.178-2019, SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 123.5. **(a)** "Permit" means the following:

(1) A permit issued by the state in physical form authorizing an individual to operate the type of vehicle for which the permit was issued on public streets, roads, or highways with certain restrictions. The term under this subdivision includes the following:

(A) A learner's permit.

(B) A motorcycle permit.

(C) A commercial learner's permit.

(2) A permit issued by the state in the form of a mobile credential authorizing an individual to operate the type of vehicle for which the permit was issued on public streets, roads, or highways with certain restrictions. The term under this subdivision includes a learner's permit and a motorcycle permit. The term under this subdivision does not include a commercial learner's permit.

(b) Notwithstanding the July 1, 2021, effective date in HEA 1506-2019, SECTION 37 (P.L.178-2019), this section takes effect July 1, 2020 (rather than July 1, 2021).

SECTION 15. IC 9-13-2-175.5 IS ADDED TO THE INDIANA

CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 175.5. "Supplemental restraint system", for purposes of IC 9-19-10.5, has the meaning set forth in IC 9-19-10.5-1.**

SECTION 16. IC 9-13-2-194.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 194.5. "Used motor vehicle", for purposes of IC 9-32, has the meaning set forth in IC 9-32-2-26.5.**

SECTION 17. IC 9-17-2-4, AS AMENDED BY P.L.27-2018, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2021]: Sec. 4. (a) **Except as provided in subsection (b),** an application for a certificate of title for a vehicle for which a certificate of title has been issued previously must be accompanied by the previously issued certificate of title.

(b) An application for a certificate of title submitted only to remove a satisfied lien is not required to be accompanied by the previously issued certificate of title if the application is accompanied by a written instrument:

(1) on the lienholder's letterhead;

(2) identifying the vehicle identification number; and

(3) stating that the lien has been satisfied.

~~(b)~~ **(c)** An application for a certificate of title for a vehicle for which a certificate of title has not been issued previously must be accompanied by the following:

(1) If the vehicle is in Indiana, a manufacturer's certificate of origin as provided in IC 9-32-5-3.

(2) If the vehicle is brought into Indiana from another state, the following:

(A) A sworn bill of sale or dealer's invoice fully describing the vehicle.

(B) The most recent registration receipt issued for the vehicle.

(C) Any other information that the bureau requires to establish ownership.

~~(c)~~ **(d)** A certificate of title may be possessed either in printed form or electronic form.

SECTION 18. IC 9-17-2-12, AS AMENDED BY P.L.198-2016, SECTION 211, IS AMENDED TO READ AS FOLLOWS

[EFFECTIVE JANUARY 1, 2021]: Sec. 12. (a) This section does not apply to the following:

(1) A trailer or semitrailer.

(2) A new motor vehicle or recreational vehicle sold by a dealer licensed under IC 9-32.

(3) A vehicle transferred or assigned on a certificate of title issued by the bureau.

(4) A vehicle that is registered under the International Registration Plan.

(5) A vehicle that is titled in the name of a financial institution, lending institution, or insurance company in Canada and imported by a registered importer, if the registered importer provides:

(A) a copy of the registered importer's validation agreement issued by the United States customs and border protection;

(B) a copy of the entry summary issued by the United States customs and border protection (CBP form 7501); and

(C) a vehicle history report issued by an independent provider of vehicle history information that includes the vehicle's title information, odometer readings, and number of owners.

(6) A vehicle that is titled in another state and is in the lawful possession of a financial institution, a lending institution, an insurance company, a vehicle rental company, a vehicle leasing company, or a lessee of a vehicle leasing company if the financial institution, lending institution, insurance company, vehicle rental company, vehicle leasing company, or lessee of a vehicle leasing company:

(A) provides a vehicle history report issued by an independent provider of vehicle history information that includes the vehicle's:

(i) title information;

(ii) odometer readings; and

(iii) number of owners; and

(B) maintains a copy of all documentation required under this subsection for at least ten (10) years.

(7) A vehicle that is purchased in another state and titled in Indiana by a vehicle rental company or a vehicle leasing company if the vehicle rental company or vehicle leasing company:

(A) provides a vehicle history report issued by an independent provider of vehicle history information that includes the vehicle's:

(i) title information;

(ii) odometer readings; and

(iii) number of owners; and

(B) maintains a copy of all documentation required under this subsection for at least ten (10) years.

(b) Subject to subsection (d), an application for a certificate of title for a vehicle may not be accepted by the bureau unless the vehicle has been inspected by one (1) of the following:

(1) An employee of a dealer licensed under IC 9-32.

(2) A military police officer assigned to a military post in Indiana.

(3) A police officer.

(4) A designated employee of the bureau.

(5) An employee of a qualified person operating under a contract with the commission.

(6) An employee of a dealer that is:

(A) licensed as a motor vehicle dealer in a state other than Indiana; and

(B) approved by the bureau.

(c) A person described in subsection (b) inspecting a vehicle shall do the following:

(1) Make a record of inspection upon the application form prepared by the bureau.

(2) Verify the facts set out in the application.

(d) The bureau may accept an inspection performed by a police officer from a jurisdiction outside Indiana if the bureau determines that an inspection performed by an individual described in subsection (b) is unavailable or otherwise insufficient to complete an application for a certificate of title.

(e) A police officer who makes an inspection under this section may charge a fee, subject to the following:

(1) The fee must be established by ordinance adopted by the unit (as defined in IC 36-1-2-23) that employs the police officer.

(2) The fee may not exceed five dollars ($5).

(3) The revenue from the fee shall be deposited in the following

manner:

(A) A special vehicle inspection fund if the police officer making the inspection is a member of the county sheriff's department. The fiscal body of the unit must appropriate the money from the inspection fund only for law enforcement purposes.

(B) A local law enforcement continuing education fund established by IC 5-2-8-2 if the police officer making the inspection is a member of a city or town police department, a town marshal, or a town marshal deputy.

SECTION 19. IC 9-17-5-5, AS AMENDED BY P.L.27-2018, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 5. (a) A security agreement covering a security interest in a vehicle that is not inventory held for sale ~~can be~~ **is** perfected ~~only if the bureau indicates the security interest on the certificate of title or duplicate.~~ **when:**

(1) the record of the lien is electronically received by the bureau, if the application for certificate of title is received electronically; or

(2) the application for certificate of title is submitted to the bureau, if the application for certificate of title is submitted in physical form.

Except as otherwise provided in subsection (b) and section 1 of this chapter, IC 26-1-9.1 applies to security interests in vehicles.

(b) The secured party, upon presentation to the bureau of a properly completed application for certificate of title together with the fee prescribed, may have a notation of the lien made on the certificate of title to be issued by the bureau. The bureau shall:

(1) enter the notation and the date of the notation; and

(2) note the lien and date of lien in the bureau's files.

SECTION 20. IC 9-18.1-12-4, AS AMENDED BY P.L.108-2019, SECTION 182, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 4. (a) This section does not apply to a vehicle registered as a recovery vehicle under IC 9-18.1-6.

(b) A transport operator may, instead of registering each motor vehicle transported or disposable trailer used, make a verified application upon a form prescribed by the bureau and furnished by the

bureau for a general distinctive registration number for:

(1) all motor vehicles transported by the transport operator and used and operated for the purposes provided; or

(2) all disposable trailers used and operated for the purpose of transporting sectionalized buildings.

(c) The application must contain the following:

(1) A brief description of:

(A) each style or type of motor vehicle transported; or

(B) the type of disposable trailer used to transport the sectionalized building.

(2) The name and address, including the county of residence, of the transport operator.

(3) For an application to use a disposable trailer, a statement that the disposable trailer will be disassembled after a single use.

(4) Any other information the bureau requires.

(d) The bureau, upon receiving:

(1) an application for a transport operator license plate; and

(2) the fee under subsection (j);

shall issue to the person that submitted the application and fee two (2) certificates of registration and the license plates with numbers corresponding to the numbers of the certificates of registration. A transport operator may obtain as many additional pairs of license plates as desired upon application and the payment to the bureau of the fee under subsection (l) for each pair of additional license plates.

(e) A license plate or sign other than those furnished and approved by the bureau may not be used.

(f) A transport operator license plate may not be used on a vehicle used or operated on a highway, except for the purpose of transporting:

(1) vehicles in transit; or

(2) sectionalized buildings.

A person may haul other vehicles or parts of vehicles in transit in the same combination.

(g) A transport operator may not operate a vehicle or any combination of vehicles in excess of the size and weight limits specified by law.

(h) A license plate issued under this section shall be displayed on the front and rear of each combination, and if only one (1) motor vehicle is

transported, a license plate shall be displayed on both the front and rear of the motor vehicle.

(i) The bureau may not issue transport operator license plates to a transport operator that has been convicted of violating this section until the bureau is satisfied that the transport operator is able to comply with the requirements of this section.

(j) The fee for one (1) set of license plates for each transport operator is one hundred thirty-nine dollars and twenty-five cents ($139.25). The fee shall be distributed as follows:

(1) Twenty-five cents ($0.25) to the state construction fund.

(2) Five dollars ($5) to the crossroads 2000 fund.

(3) Nine dollars ($9) to the commission fund.

(4) Thirty dollars ($30) to the highway, road and street fund.

(5) Ninety-five dollars ($95) to the motor vehicle highway account.

(k) The fee for the first two (2) sets of license plates for each transport operator is one hundred fifty-eight dollars and twenty-five cents ($158.25). The fee shall be distributed as follows:

(1) Twenty-five cents ($0.25) to the state construction fund.

(2) Fifteen dollars ($15) to the crossroads 2000 fund.

(3) Eighteen dollars ($18) to the commission fund.

(4) Thirty dollars ($30) to the highway, road and street fund.

(5) Ninety-five dollars ($95) to the motor vehicle highway account.

(l) The fee for each additional set of license plates for a transport operator is thirty-four dollars and twenty-five cents ($34.25). The fee shall be distributed as follows:

(1) Twenty-five cents ($0.25) to the state construction fund.

(2) Nine dollars ($9) to the commission fund.

(3) Ten dollars ($10) to the crossroads 2000 fund.

(4) Fifteen dollars ($15) to the motor vehicle highway account.

(m) This section expires July 1, 2021.

SECTION 21. IC 9-19-10.5-0.2 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 0.2. As used in this chapter, "airbag" means a motor vehicle inflatable occupant restraint system component that is part of a supplemental restraint system.**

SECTION 22. IC 9-19-10.5-0.4 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 0.4. As used in this chapter, "counterfeit supplemental restraint system component" means:**

(1) a replacement airbag; or

(2) any other replacement supplemental restraint system component;

that displays a mark identical to, or substantially similar to, the genuine mark of a motor vehicle manufacturer or a supplier of parts to the manufacturer of a motor vehicle without authorization from that manufacturer or supplier, respectively.

SECTION 23. IC 9-19-10.5-0.8 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 0.8. As used in this chapter, "nonfunctional airbag" means a replacement airbag that is described by any of the following criteria:**

(1) The airbag was previously deployed or damaged.

(2) The airbag has a fault that is detected by the vehicle's diagnostic system when the installation procedure is completed.

(3) The airbag includes a part or an object, including a supplemental restraint system component, that is installed in a motor vehicle to mislead the owner or operator of the motor vehicle into believing that a functional airbag has been installed.

(4) The airbag is subject to the prohibitions of 49 U.S.C. 30120(j).

SECTION 24. IC 9-19-10.5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1. **(a)** As used in this chapter, ~~"inflatable~~ **"supplemental** restraint system" means ~~an air bag that is activated in a crash.~~ **a passive inflatable motor vehicle occupant crash protection system designed for use in conjunction with a seat belt assembly as defined in 49 CFR 571.209.**

(b) The term includes one (1) or more airbags and all components required to ensure that an airbag works as designed by the vehicle manufacturer including both of the following:

(1) Each airbag operates as necessary in the event of a crash.

(2) Each airbag is designed in accordance with federal motor vehicle safety standards for the specific make, model, and year of the motor vehicle in which it is or will be installed.

SECTION 25. IC 9-19-10.5-2, AS AMENDED BY P.L.217-2014, SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 2. (a) A person may not knowingly or intentionally **manufacture, import,** install, **reinstall, distribute, sell, or offer for sale a component intended to replace a supplemental restraint system component** in a motor vehicle, ~~as part of the motor vehicle's inflatable restraint system, an object that does not~~ **if any of the following apply to the component:**

(1) The component is a counterfeit supplemental restraint system component.

(2) The component is a nonfunctional airbag.

(3) The component causes a motor vehicle to fail to comply with Federal Motor Vehicle Safety Standard Number 208 (49 CFR 571.208) for the **respective** make, model, and year of the motor vehicle **in question.**

(b) For purposes of this section, an installation or reinstallation is considered to not have occurred until the vehicle is returned to the customer who requested the work be performed or when ownership of the vehicle is intended to be transferred.

~~(b)~~ **(c)** A person who knowingly or intentionally violates this section commits a Class A misdemeanor. However, the offense is a Level 6 felony if a person in a motor vehicle is injured or dies as a result of the violation of subsection (a).

SECTION 26. IC 9-19-10.5-3, AS AMENDED BY P.L.217-2014, SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 3. (a) A person may not knowingly or intentionally ~~(1)~~ sell, ~~(2)~~ lease, ~~(3)~~ trade, or ~~(4)~~ transfer a motor vehicle **to an Indiana resident** in which is installed, as part of the motor vehicle's ~~inflatable~~ **supplemental** restraint system, ~~an object that does not comply with Federal Motor Vehicle Safety Standard Number 208 (49 CFR 571.208) for the make, model, and year of the motor vehicle to an Indiana resident.~~ **any of the following:**

(1) A counterfeit supplemental restraint system component.

(2) A nonfunctional airbag.

(3) A component that is not designed in accordance with federal motor vehicle safety standards for the specific make, model, and year of the motor vehicle in which it is installed.

(b) A person who knowingly or intentionally violates this section commits a Level 6 felony.

SECTION 27. IC 9-24-11-4, AS AMENDED BY P.L.178-2019, SECTION 48, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 4. (a) Except as provided in subsection (d), an individual may not hold or possess more than one (1) credential at a time.

(b) An individual may not hold or possess:

(1) a credential; and

(2) a driver's license or identification card issued by a government authority that issues driver's licenses and identification cards from another state, territory, federal district, commonwealth, or possession of the United States.

(c) An individual shall destroy or surrender to the bureau any and all credentials, driver's licenses, or identification cards that would cause the individual to violate subsection (a) or (b).

(d) An individual may hold both a credential in physical form and in the form of a mobile credential issued under this article at the same time.

(e) An individual who violates this section commits a Class C infraction.

(f) Notwithstanding the July 1, 2021, effective date in HEA 1506-2019, SECTION 48 (P.L.178-2019), this section takes effect July 1, 2020 (rather than July 1, 2021).

SECTION 28. IC 9-24-11-5, AS AMENDED BY P.L.178-2019, SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 5. (a) Except as provided in subsection (d), a learner's permit or driver's license issued under this article must contain the following information:

(1) The full legal name of the permittee or licensee.

(2) The date of birth of the permittee or licensee.

(3) The address of the principal residence of the permittee or licensee.

(4) The hair color and eye color of the permittee or licensee.

(5) The date of issue and expiration date of the permit or license.

(6) The gender of the permittee or licensee.

(7) The unique identifying number of the permit or license.

(8) The weight of the permittee or licensee.

(9) The height of the permittee or licensee.

(10) A reproduction of the signature of the permittee or licensee.

(11) If the permittee or licensee is less than eighteen (18) years of age at the time of issuance, the dates, notated prominently, on which the permittee or licensee will become:

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

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

(12) If the permittee or licensee is at least eighteen (18) years of age but less than twenty-one (21) years of age at the time of issuance, the date, notated prominently, on which the permittee or licensee will become twenty-one (21) years of age.

(13) Except as provided in subsection (b), a digital photograph of the permittee or licensee.

(b) The bureau may provide for the omission of a photograph or computerized image from any driver's license or learner's permit if there is good cause for the omission. However, a driver's license or learner's permit issued without a digital photograph must include a statement that indicates that the driver's license or learner's permit may not be accepted by a federal agency for federal identification or any other federal purpose.

(c) A driver's license or learner's permit issued to an individual who:

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

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

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

(4) has approved deferred action status; or

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

must be clearly identified as a temporary driver's license or learner's permit. A temporary driver's license or learner's permit issued under this

subsection may not be renewed without the presentation of valid documentary evidence proving that the licensee's or permittee's temporary status has been extended.

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

(e) Notwithstanding the July 1, 2021, effective date in HEA 1506-2019, SECTION 49 (P.L.178-2019), this section takes effect July 1, 2020 (rather than July 1, 2021).

SECTION 29. IC 9-24-11-5.5, AS AMENDED BY P.L.178-2019, SECTION 50, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 5.5. (a) If an individual has:

(1) indicated on the application for a driver's license or learner's permit that the individual is a veteran and wishes to have an indication of the individual's veteran status appear on the driver's license or learner's permit; and

(2) provided proof at the time of application of the individual's veteran status;

an indication of the individual's veteran status shall be shown on the driver's license or learner's permit.

(b) If an individual has:

(1) indicated on the individual's application for a driver's license or learner's permit that the applicant:

(A) is a surviving spouse of a veteran; and

(B) wishes to have an indication of the applicant's status as a surviving spouse of a veteran appear on the driver's license or learner's permit; and

(2) provided the documentation necessary to verify that the applicant was married, at the time of the decedent's death, to a veteran;

an indication of the individual's status as a surviving spouse of a veteran shall be shown on the driver's license or learner's permit.

(c) If an individual submits information concerning the individual's medical condition in conjunction with the individual's application for a

driver's license or learner's permit, the bureau shall place an identifying symbol in a prominent location on a driver's license or learner's permit to indicate that the individual has a medical condition of note. The bureau shall include information on the individual's driver's license or learner's permit that briefly describes the individual's medical condition. The information must be notated in a manner that alerts an individual reading the driver's license or learner's permit to the existence of the medical condition. The individual submitting the information concerning the medical condition is responsible for its accuracy.

(d) Notwithstanding the July 1, 2021, effective date in HEA 1506-2019, SECTION 50 (P.L.178-2019), this section takes effect July 1, 2020 (rather than July 1, 2021).

SECTION 30. IC 9-24-11-8, AS AMENDED BY P.L.178-2019, SECTION 51, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 8. (a) Except as provided in subsections (b) and (c), an individual who violates this chapter commits a Class C infraction.

(b) An individual who:

(1) has been issued a permit or driver's license on which there is a notated restriction as provided under section 7 of this chapter; and

(2) operates a motor vehicle in violation of the restriction;

commits a Class C infraction.

(c) An individual who causes serious bodily injury to or the death of another individual when operating a motor vehicle after knowingly or intentionally failing to take prescribed medication, the taking of which was a condition of the issuance of the restricted driver's license under section 7 of this chapter, commits a Class A misdemeanor. However, the offense is a Level 6 felony if, within the five (5) years preceding the commission of the offense, the individual had a prior unrelated conviction under this subsection.

(d) An individual who violates subsection (c) commits a separate offense for each individual whose serious bodily injury or death is caused by the violation of subsection (c).

(e) Notwithstanding the July 1, 2021, effective date in HEA 1506-2019, SECTION 51 (P.L.178-2019), this section takes effect July 1, 2020 (rather than July 1, 2021).

SECTION 31. IC 9-24-13-3, AS AMENDED BY P.L.178-2019,

SECTION 53, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 3. (a) An individual holding a permit or driver's license issued under this article must have the permit or driver's license in the individual's immediate possession when driving or operating a motor vehicle. The individual shall display the driver's license or permit upon demand of a court or a police officer authorized by law to enforce motor vehicle rules.

(b) If the permit or driver's license is a mobile credential viewed on a telecommunications device, a court or a police officer authorized by law to enforce motor vehicle rules may not, without the consent of the person:

(1) confiscate a telecommunications device for the purpose of determining compliance with this section;

(2) confiscate a telecommunications device and retain it as evidence pending trial for a violation of this section; or

(3) extract or otherwise download information from a telecommunications device for a violation of this section unless:

(A) the court or police officer has probable cause to believe the telecommunications device has been used in the commission of a crime;

(B) the information is extracted or otherwise downloaded under a valid search warrant; or

(C) otherwise authorized by law.

(c) The display of a mobile credential shall not serve as consent or authorization for the court, a police officer, or any other person to search, view, or access any data or application on the telecommunications device other than the mobile credential. If a person presents the person's telecommunications device to the court, a police officer, or any other person for the purposes of displaying the person's mobile credential, the court, police officer, or person viewing the mobile credential shall not handle the telecommunications device in order to view the mobile credential and to verify the identity of the person.

(d) Notwithstanding the July 1, 2021, effective date in HEA 1506-2019, SECTION 53 (P.L.178-2019), this section takes effect July 1, 2020 (rather than July 1, 2021).

SECTION 32. IC 9-24-16-3, AS AMENDED BY P.L.211-2019, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

JULY 1, 2020]: Sec. 3. (a) An identification card:

(1) in physical form must have the same dimensions and shape as a driver's license; and

(2) in the form of a mobile credential must have the same format as a driver's license;

but the card must have markings sufficient to distinguish the card from a driver's license.

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

(1) Full legal name.

(2) The address of the principal residence.

(3) Date of birth.

(4) Date of issue and date of expiration.

(5) Unique identification number.

(6) Gender.

(7) Weight.

(8) Height.

(9) Color of eyes and hair.

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

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

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

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

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

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

(14) Digital photograph of the individual.

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

(d) If the individual complies with section 2(f) or 2(g) of this

chapter, an indication of the individual's veteran status or status as the surviving spouse of a veteran of the armed forces of the United States, as applicable, shall be shown on the identification card.

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

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

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

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

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

(4) has approved deferred action status; or

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

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

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

(h) The bureau shall validate an identification card for Class B motor driven cycle operation upon a highway by endorsement to an individual who:

(1) applies for or has previously been issued an identification card under this chapter;

(2) makes the appropriate application for endorsement; and

(3) satisfactorily completes the test required under section 3.6 of this chapter.

The bureau shall place a designation on the face of the identification card to indicate that the individual has received a Class B motor driven cycle endorsement.

(i) Notwithstanding the July 1, 2021, effective date in SEA 80-2019, SECTION 9 (P.L.211-2019), this section takes effect July 1, 2020 (rather than July 1, 2021).

SECTION 33. IC 9-24-17.5-1, AS ADDED BY P.L.178-2019, SECTION 55, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1. **(a)** The bureau may develop a secure and uniform system to issue mobile credentials that can be accessed through an application on a telecommunications device.

(b) Notwithstanding the July 1, 2021, effective date in HEA 1506-2019, SECTION 55 (P.L.178-2019), this section takes effect July 1, 2020 (rather than July 1, 2021).

SECTION 34. IC 9-24-17.5-2, AS ADDED BY P.L.178-2019, SECTION 55, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 2. (a) In addition to a physical credential issued under this article, upon request by an applicant, the bureau may issue a mobile credential to an individual who satisfies the requirements for application under this article for the following:

(1) A driver's license.

(2) A learner's permit.

(3) An identification card.

(b) The bureau shall not issue a mobile credential for:

(1) a commercial driver's license issued under IC 9-24-6.1;

(2) a commercial learner's permit issued under IC 9-24-6.1; or

(3) a photo exempt identification card issued under IC 9-24-16.5.

(c) Notwithstanding the July 1, 2021, effective date in HEA 1506-2019, SECTION 55 (P.L.178-2019), this section takes effect

July 1, 2020 (rather than July 1, 2021).

SECTION 35. IC 9-24-17.5-3, AS ADDED BY P.L.178-2019, SECTION 55, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 3. **(a)** The bureau may adopt rules under IC 4-22-2 to administer this chapter, including rules to impose a fee to issue a mobile credential as set forth in IC 9-14-8-3(4).

(b) Notwithstanding the July 1, 2021, effective date in HEA 1506-2019, SECTION 55 (P.L.178-2019), this section takes effect July 1, 2020 (rather than July 1, 2021).

SECTION 36. IC 9-24-17.5-4, AS ADDED BY P.L.178-2019, SECTION 55, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 4. **(a)** The bureau may contract with a third party to carry out this chapter.

(b) Notwithstanding the July 1, 2021, effective date in HEA 1506-2019, SECTION 55 (P.L.178-2019), this section takes effect July 1, 2020 (rather than July 1, 2021).

SECTION 37. IC 9-32-2-9, AS ADDED BY P.L.92-2013, SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 9. "Charge back" means a manufacturer induced return of incentive payments to a manufacturer by a **new motor vehicle** dealer. The term includes a manufacturer drawing funds from an account of a **new motor vehicle** dealer.

SECTION 38. IC 9-32-2-9.6, AS ADDED BY P.L.137-2018, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 9.6. ~~(a) "Dealer" means, except as otherwise provided in this section, a person that:~~

~~(1) sells;~~

~~(2) offers to sell; or~~

~~(3) advertises for sale;~~

~~including directly by the Internet or another computer network, at least twelve (12) motor vehicles within a twelve (12) month period. The term includes a person that sells off-road vehicles, snowmobiles, mini-trucks, or manufactured homes. A dealer must have an established place of business that meets the minimum standards prescribed by the secretary of state under rules adopted under IC 4-22-2.~~

~~(b) The term does not include the following:~~

~~(1) A receiver, trustee, or other person appointed by or acting~~

~~under the judgment or order of a court.~~

~~(2) A public officer while performing official duties.~~

~~(3) A person that holds a mechanic's lien on a motor vehicle under IC 9-22-6, if the person sells the motor vehicle:~~

~~(A) in accordance with requirements in IC 9-22-6; or~~

~~(B) to an automotive salvage recycler licensed under IC 9-32-9 after the motor vehicle fails to sell at a public auction conducted in compliance with IC 9-22-6.~~

~~(4) A person that holds a lien for towing services under IC 9-22-1, if the person complies with all applicable requirements in IC 9-22-1 and IC 9-22-6.~~

~~(c) "Dealer", for purposes of IC 9-31, means a person that sells, offers to sell, or advertises for sale at least six (6):~~

~~(1) watercraft; or~~

~~(2) trailers:~~

~~(A) designed and used exclusively for the transportation of watercraft; and~~

~~(B) sold in general association with the sale of watercraft;~~

~~within a twelve (12) month period.~~

~~(d)~~ "Dealer", unless otherwise provided, refers to all persons required to be licensed by the secretary ~~of state~~ under this article, and before July 1, 2015, a wholesale dealer.

SECTION 39. IC 9-32-2-9.9, AS AMENDED BY P.L.284-2019, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 9.9. "Dealer owner" means the following:

(1) For a licensed or applicant dealer, other than a manufacturer, the following:

(A) If a corporation, each officer, director, and shareholder having a ten percent (10%) or greater ownership interest in the corporation.

(B) If a corporation and it has no officer, director, or shareholder having a ten percent (10%) or greater ownership interest in the corporation, one (1) or more officers, directors, or shareholders designated in writing by the board of directors.

(C) If a sole proprietorship, the proprietor.

(D) If a partnership, each partner.

(E) If a limited liability company, each member of the

company.

(2) For a licensed or applicant manufacturer, one (1) or more officers, directors, or shareholders designated in writing by the manufacturer.

~~(3) For a business entity, the following:~~

~~(A) If a corporation, one (1) or more officers, directors, or shareholders designated in writing by the board of directors.~~

~~(B) If a limited liability company, one (1) or more members of the company designated in writing by all members.~~

~~(C) If a partnership, each partner.~~

~~(D) If a sole proprietorship, the proprietor.~~

SECTION 40. IC 9-32-2-11.2, AS ADDED BY P.L.245-2019, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 11.2. "Document preparation fee" means any fee charged by a ~~dealership~~ **dealer** concerning the sale of a motor vehicle, regardless of designation, and that includes costs incurred by the ~~dealership~~ **dealer** for the preparation of documents concerning the sale of **a** motor vehicle. The term does not include a fee imposed by a financial institution for the purpose of extending credit for the purchase of a vehicle.

SECTION 41. IC 9-32-2-18.3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 18.3. "New motor vehicle dealer" means any person that within a twelve (12) month period sells, offers to sell, or advertises for sale, including directly by the Internet or another computer network, at least:**

(1) twelve (12) new motor vehicles (excluding manufactured homes); or

(2) three (3) new manufactured homes.

SECTION 42. IC 9-32-2-19 IS REPEALED [EFFECTIVE JULY 1, 2020]. ~~Sec. 19. "Record" includes, but is not limited to, the following:~~

~~(1) Bills of sale.~~

~~(2) Finance agreements.~~

~~(3) Titles.~~

~~(4) Inventory records.~~

~~(5) Sales receipts from auctions.~~

~~(6) Form ST-108 (department of state revenue certificate of gross retail or use tax paid on the purchase of a motor vehicle or watercraft).~~

~~(7) Interim plate log.~~

~~(8) Flood damage affidavits required under IC 9-32-9-13.~~

~~(9) Title affidavits required under IC 9-32-4-1.~~

~~(10) Interim plates generated in error.~~

~~(11) Copies of rebuilt vehicle disclosures required under IC 9-32-13-6.~~

SECTION 43. IC 9-32-2-25, AS AMENDED BY P.L.179-2017, SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 25. (a) "Transfer dealer" means a person that ~~transfers ownership of~~ **is not engaged in the business of selling motor vehicles but, as a result of the person's primary business, has cause to sell, offer to sell, or advertise for sale** at least twelve (12) motor vehicles during a twelve (12) month period. ~~as part of the person's primary business.~~

(b) "Transfer dealer" does not include:

(1) a manufacturer;

(2) a distributor;

(3) a converter manufacturer;

(4) a watercraft dealer;

(5) an automotive mobility dealer;

(6) an automotive auction;

(7) a person engaged in the business of:

(A) storing vehicles;

(B) furnishing supplies for vehicles;

(C) providing towing services for vehicles; or

(D) repairing vehicles; or

(8) a person whose primary business is selling motor vehicles.

SECTION 44. IC 9-32-2-26.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 26.5. "Used motor vehicle" means a motor vehicle that:**

(1) has been previously titled under IC 9-17; or

(2) has been transferred by a manufacturer, distributor, or dealer to an ultimate purchaser.

SECTION 45. IC 9-32-2-26.6 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 26.6. (a) "Used motor vehicle dealer" means any person that within a twelve (12) month period sells, offers to sell, or advertises for sale, including directly by the Internet or another computer network, at least:**

(1) twelve (12) used motor vehicles (excluding manufactured homes); or

(2) three (3) used manufactured homes.

(b) The term does not include the following:

(1) A receiver, trustee, or other person appointed by or acting under the judgment or order of a court.

(2) A public officer while performing official duties.

(3) A person that holds a mechanic's lien on a motor vehicle under IC 9-22-6, if the person sells the motor vehicle:

(A) in accordance with requirements in IC 9-22-6; or

(B) to an automotive salvage recycler licensed under IC 9-32-9 after the motor vehicle fails to sell at public auction conducted in compliance with IC 9-22-6.

(4) A person that holds a lien for towing services under IC 9-22-1, if the person complies with all applicable requirements in IC 9-22-1 and IC 9-22-6.

SECTION 46. IC 9-32-6-1, AS AMENDED BY P.L.174-2016, SECTION 53, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1. (a) ~~A person licensed under IC 9-32-11~~ **The following persons licensed under this article** may apply for ~~a~~ dealer license ~~plate.~~ **plates:**

(1) An automobile auction company.

(2) A converter manufacturer.

(3) A new motor vehicle dealer.

(4) A distributor.

(5) A watercraft dealer.

(6) A manufacturer.

(7) A transfer dealer.

(8) A used motor vehicle dealer.

(b) The application must include any information the secretary reasonably requires. Upon **successful** application, two (2) certificates

of registration and two (2) metal dealer license plates shall then be issued to the applicant. A ~~dealer~~ **person under subsection (a)** may apply for and **at the discretion of the secretary** receive additional dealer license plates as set forth in section 5 of this chapter.

~~(b)~~ **(c)** The fee for the first two (2) license plates issued under subsection ~~(a)~~ **(b)** is as follows:

(1) For motorcycle dealer license plates, fifteen dollars ($15).

(2) For license plates not described in subdivision (1), forty dollars ($40).

~~(c)~~ **(d)** Fees collected under subsection ~~(b)~~ **(c)** shall be distributed as follows:

(1) Thirty percent (30%) to the dealer compliance account.

(2) Seventy percent (70%) to the motor vehicle highway account.

~~(d)~~ **(e)** There is an additional service charge of five dollars ($5) for each set of license plates issued under subsection ~~(a).~~ **(b).** The service charge shall be deposited in the crossroads 2000 fund.

SECTION 47. IC 9-32-6-5, AS AMENDED BY P.L.174-2016, SECTION 57, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 5. (a) Upon **successful application and** payment of the fee under subsection (b) ~~or (c),~~ **and the service charge under subsection (d),** an applicant may obtain additional dealer license plates of the same category. The applicant must demonstrate the applicant's need for additional plates by stating the applicant's number of employees, annual sales, and other supporting factors. The secretary shall determine whether the applicant may receive additional plates.

(b) The fee for each additional license plate issued under subsection (a) is as follows:

(1) For an additional motorcycle dealer license plate, seven dollars and fifty cents ($7.50).

(2) For an additional dealer license plate not described in subdivision (1), fifteen dollars ($15).

(c) A fee collected under subsection (b) shall be distributed as follows:

(1) Thirty percent (30%) to the dealer compliance account.

(2) Seventy percent (70%) to the motor vehicle highway account.

(d) There is an additional service charge for each additional license plate issued under subsection (a) as follows:

(1) For an additional motorcycle dealer license plate, two dollars and fifty cents ($2.50).

(2) For an additional dealer license plate not described in subdivision (1), five dollars ($5).

A service charge under this subsection shall be deposited in the crossroads 2000 fund.

SECTION 48. IC 9-32-6-6.5, AS AMENDED BY P.L.284-2019, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 6.5. (a) Except as provided in subsections (b) and (c), dealer license plates and dealer designee license plates issued to licensed dealers under this article are valid from the issue date through the expiration date as follows:

(1) Dealer license plates of a person whose business name begins with the letters A through B expire February 1 of each year.

(2) Dealer license plates of a person whose business name begins with the letters C through D expire March 1 of each year.

(3) Dealer license plates of a person whose business name begins with the letters E through F expire April 1 of each year.

(4) Dealer license plates of a person whose business name begins with the letters G through H expire May 1 of each year.

(5) Dealer license plates of a person whose business name begins with the letters I through J expire June 1 of each year.

(6) Dealer license plates of a person whose business name begins with the letters K through L expire July 1 of each year.

(7) Dealer license plates of a person whose business name begins with the letters M through N expire August 1 of each year.

(8) Dealer license plates of a person whose business name begins with the letters O through P expire September 1 of each year.

(9) Dealer license plates of a person whose business name begins with the letters Q through R expire October 1 of each year.

(10) Dealer license plates of a person whose business name begins with the letters S through T expire November 1 of each year.

(11) Dealer license plates of a person whose business name begins with the letters U through V expire December 1 of each year.

(12) Dealer license plates of a person whose business name begins with the letters W through Z expire January 1 of each year.

(b) Dealer license plates issued to a person whose business name

begins with a nonalpha character expire November 1 of each year.

(c) A dealer designee license plate is valid from the issue date through the expiration date as provided in subsection (a) or (b).

(d) The fee to renew the license plates issued under section 1 of this chapter is as follows:

(1) For motorcycle dealer license plates, fifteen dollars ($15).

(2) For dealer license plates not described in subdivision (1), forty dollars ($40).

(e) Fees collected under subsection (d) shall be distributed as follows:

(1) Thirty percent (30%) to the dealer compliance account established by IC 9-32-7-1.

(2) Seventy percent (70%) to the motor vehicle highway account under IC 8-14-1.

(f) There is an additional service charge of five dollars ($5) for the renewal of each set of license plates issued under section 1 of this chapter. The service charge shall be deposited in the crossroads 2000 fund.

(g) The fee to renew each additional license plate issued under section 5 of this chapter is as follows:

(1) For an additional motorcycle dealer license plate, seven dollars and fifty cents ($7.50).

(2) For an additional dealer license plate not described in subdivision (1), fifteen dollars ($15).

(h) Fees collected under subsection (g) shall be distributed as follows:

(1) Thirty percent (30%) to the dealer compliance account established by IC 9-32-7-1.

(2) Seventy percent (70%) to the motor vehicle highway account under IC 8-14-1.

(i) There is an additional service charge for the renewal of each additional license plate issued under section 5 of this chapter, as follows:

(1) For an additional motorcycle dealer license plate, two dollars and fifty cents ($2.50).

(2) For an additional dealer license plate not described in subdivision (1), five dollars ($5).

(j) The service charge under subsection (i) shall be deposited in the crossroads 2000 fund.

(k) The fee to renew a license plate issued under section 2(b) of this chapter is forty dollars ($40). The fee shall be deposited in the dealer compliance account established by IC 9-32-7-1.

(l) The fees collected under subsection (m) shall be distributed as follows:

(1) Forty percent (40%) to the crossroads 2000 fund.

(2) Forty-nine percent (49%) to the dealer compliance account established by IC 9-32-7-1.

(3) Eleven percent (11%) to the motor vehicle highway account under IC 8-14-1.

(m) The fee to renew a dealer designee license plate issued under IC 9-32-6.5-1 is twenty-one dollars and thirty-five cents ($21.35).

(n) In the event of a natural disaster or other emergency that prevents the secretary from processing a license plate renewal, the secretary may issue an order extending dealer and dealer designee license plate expiration dates for not more than twelve (12) additional months.

SECTION 49. IC 9-32-6-7, AS AMENDED BY P.L.174-2016, SECTION 59, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 7. (a) ~~Except as provided in section 8 of this chapter,~~ **Unless otherwise provided,** dealer license plates may be used only on motor vehicles **being held for sale or resale** in the

~~(1)~~ dealer's inventory. ~~being held for sale;~~ **Dealer license plates may be placed only on motor vehicles in the dealer's inventory for the following reasons:**

~~(2)~~ **(1)** Usual operation of the dealer's business.

~~(3)~~ **(2)** Movement of the dealer's inventory. ~~or~~

~~(4) inventory of a dealer that is unattended by the dealer or the dealer's agent for a maximum of ten (10) days by a prospective buyer or a service customer.~~

(3) As permitted by rules adopted by the secretary.

(b) Dealer license plates may not be used to avoid payment of applicable taxes.

~~(b)~~ **(c)** The license plates referenced in subsection (a), **when not in use,** must be

~~(1) primarily used or~~ stored at ~~an address within Indiana; or~~ **the dealer's established place of business.**

~~(2)~~ **(d) While in use, dealer license plates must be** displayed on ~~a~~ **the** motor vehicle. ~~being transported for purposes of sale by a licensed Indiana dealer.~~ **The license plate must be displayed in the following manner:**

(1) On the rear of the motor vehicle.

(2) With all text, numbers, and stickers fully visible and not obstructed or obscured by any part of the motor vehicle or other foreign materials, such as a plate frame or cover.

(3) Securely fastened in a horizontal position at a height of at least twelve (12) inches from the ground, measuring from the bottom of the license plate.

~~(c)~~ **(e)** A person that violates this section commits a Class A infraction.

SECTION 50. IC 9-32-6-8 IS REPEALED [EFFECTIVE JULY 1, 2020]. ~~Sec. 8. Dealer license plates may be used by a dealer without restriction if the use is in compliance with section 7 of this chapter and rules adopted by the secretary to prohibit use of the plates solely to avoid payment of applicable taxes.~~

SECTION 51. IC 9-32-6-11, AS AMENDED BY P.L.137-2018, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 11. (a) The secretary may issue an interim license plate to ~~a dealer that is licensed and has been issued a license plate under section 2 of this chapter.~~ **the following persons licensed under this article:**

(1) An automobile auction company.

(2) A converter manufacturer.

(3) A new motor vehicle dealer.

(4) A distributor.

(5) A watercraft dealer.

(6) A manufacturer.

(7) A used motor vehicle dealer.

(b) The secretary shall prescribe the form of an interim license plate issued under this section. ~~However,~~ An interim license plate must bear the assigned registration number and provide sufficient space for the expiration date as provided in subsection (c).

(c) A dealer may provide a person with ~~an~~ **not more than one (1)** interim license plate issued by the secretary ~~when~~ **at the time** the dealer:

(1) sells or leases a motor vehicle to the person; or

(2) allows a person that buys a motor vehicle to take delivery of the motor vehicle before the sale of the motor vehicle is fully funded;

whichever occurs first. The dealer shall, in the manner provided by the secretary, affix on the plate in numerals and letters at least three (3) inches high the date on which the interim license plate expires.

(d) An interim license plate authorizes a person to operate the motor vehicle until the earlier of the following dates:

(1) Forty-five (45) days after the date of sale or lease of the motor vehicle to the person.

(2) The date on which a regular license plate is issued.

A person that violates this subsection commits a Class A infraction.

(e) A motor vehicle that is required by law to display license plates on the front and rear of the motor vehicle is required to display only a single interim license plate.

(f) An interim license plate shall be displayed:

(1) in the same manner required in IC 9-18-2-26 (before its expiration) or IC 9-18.1-4-3; or

(2) in a location on the left side of a window facing the rear of the motor vehicle that is clearly visible and unobstructed. The plate must be affixed to the window of the motor vehicle.

(g) The dealer must provide an ownership document to the person at the time of issuance of the interim license plate that must be kept in the motor vehicle during the period an interim license plate is used.

(h) All interim license plates not issued by the dealer must be retained in the possession of the dealer at all times.

(i) The fee for an interim dealer license plate is three dollars ($3). The fee shall be distributed as follows:

(1) Forty percent (40%) to the crossroads 2000 fund established by IC 8-14-10-9.

(2) Forty-nine percent (49%) to the dealer compliance account established by IC 9-32-7-1.

(3) Eleven percent (11%) to the motor vehicle highway account under IC 8-14-1.

(j) The secretary may issue an interim license plate to a person that purchases a motor vehicle from a dealer if the dealer has not timely delivered or transmitted the certificate of title for the motor vehicle under IC 9-32-4-1.

(k) The secretary may design and issue to a dealer a motor driven cycle decal to be used in conjunction with an interim license plate upon the sale of a motor driven cycle.

(l) A new motor vehicle dealer may issue an interim license plate for use on a **new** motor vehicle that the new motor vehicle dealer delivers to a purchaser ~~under~~ **on behalf of a manufacturer or another new motor vehicle dealer if:**

(1) there is a written courtesy agreement between the new motor vehicle dealer **delivering the motor vehicle** and ~~another~~ **the** new motor vehicle dealer ~~or manufacturer with whom the new motor vehicle dealer has a franchise agreement.~~ **or manufacturer that sold the motor vehicle being delivered; and**

(2) the new motor vehicle is transported directly from the manufacturer to the new motor vehicle dealer delivering the new motor vehicle to the purchaser.

A person that violates this subsection commits a Class C infraction.

(m) A person that fails to display an interim license plate as prescribed in subsection (f)(1) or (f)(2) commits a Class C infraction.

SECTION 52. IC 9-32-6-14, AS ADDED BY P.L.92-2013, SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 14. **(a)** A record directly related to the use of interim license plates by a dealer must be:

(1) made available to an investigating employee of the secretary:

(A) upon demand; **and**

(B) during reasonable business hours; and

(2) provided:

(A) at the **established** place of business of the dealer;

(B) electronically; or

(C) by mail.

(b) A dealer shall produce the records in the manner requested by the investigating employee of the secretary.

SECTION 53. IC 9-32-6.5-1, AS AMENDED BY P.L.179-2017, SECTION 46, IS AMENDED TO READ AS FOLLOWS

[EFFECTIVE JULY 1, 2020]: Sec. 1. (a) This section applies after June 30, 2017.

(b) The secretary may design and issue a dealer designee license plate for use ~~without restriction~~ by the secretary or a designee of a **licensed new or used motor vehicle** dealer.

(c) A dealer that assigns a dealer designee license plate and registration card to a person shall report to the secretary on a form issued by the secretary the date of assignment, the person's name and address, the date of termination of the assignment, and any other information the secretary requires. A copy of the form must be kept at all times in the vehicle displaying the dealer designee license plate.

(d) The fee for a dealer designee license plate and registration card is twenty-one dollars and thirty-five cents ($21.35). The fee shall be distributed as follows:

(1) Forty percent (40%) to the crossroads 2000 fund established by IC 8-14-10-9.

(2) Forty-nine percent (49%) to the dealer compliance account established by IC 9-32-7-1.

(3) Eleven percent (11%) to the motor vehicle highway account under IC 8-14-1.

SECTION 54. IC 9-32-7-2, AS AMENDED BY P.L.27-2018, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 2. (a) The dealer enforcement account is established as a separate account to be administered by the secretary.

(b) The dealer enforcement account consists of money deposited pursuant to:

(1) IC 9-32-4-1(d);

(2) IC 9-32-16-1(f);

(3) IC 9-32-16-13(d);

(4) IC 9-32-17-1;

~~(4)~~ **(5)** IC 9-32-17-7; and

~~(5)~~ **(6)** IC 9-32-17-9.

The funds in the account shall be available, with the approval of the budget agency, for use to augment and supplement the funds appropriated for the administration of this article.

(c) The treasurer of state shall invest the money in the dealer

enforcement 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 into the account.

(d) Money in the dealer enforcement account at the end of the state fiscal year does not revert to the state general fund.

(e) Money in the dealer enforcement account is continuously appropriated to the secretary for the purposes of the account.

SECTION 55. IC 9-32-7.5 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]:

Chapter 7.5. Transport Operators

Sec. 1. This chapter is effective beginning July 1, 2021.

Sec. 2. (a) This section does not apply to a vehicle registered as a recovery vehicle under IC 9-18.1-6.

(b) A transport operator may, instead of registering each motor vehicle transported or disposable trailer used, make a verified application upon a form prescribed by the secretary and furnished by the secretary for a general distinctive registration number for:

(1) all motor vehicles transported by the transport operator and used and operated for the purposes provided; or

(2) all disposable trailers used and operated for the purpose of transporting sectionalized buildings.

(c) The application must contain the following:

(1) A brief description of:

(A) each style or type of motor vehicle transported; or

(B) the type of disposable trailer used to transport the sectionalized building.

(2) The name and address, including the county of residence, of the transport operator.

(3) For an application to use a disposable trailer, a statement that the disposable trailer will be disassembled after a single use.

(4) Any other information the secretary requires.

(d) The secretary, upon receiving:

(1) an application for a transport operator license plate; and

(2) the fee under subsection (j);

shall issue to the person that submitted the application and fee two (2) certificates of registration and the license plates with numbers corresponding to the numbers of the certificates of registration. A transport operator may obtain as many additional pairs of license plates as desired upon application and the payment to the secretary of the fee under subsection (k) for each pair of additional license plates.

(e) A license plate or sign other than those furnished and approved by the secretary may not be used.

(f) A transport operator license plate may not be used on a vehicle used or operated on a highway, except for the purpose of transporting:

(1) vehicles in transit; or

(2) sectionalized buildings.

A person may haul other vehicles or parts of vehicles in transit in the same combination.

(g) A transport operator may not operate a vehicle or any combination of vehicles in excess of the size and weight limits specified by law.

(h) A license plate issued under this section shall be displayed on the front and rear of each combination, and if only one (1) motor vehicle is transported, a license plate shall be displayed on both the front and rear of the motor vehicle.

(i) The secretary may not issue transport operator license plates to a transport operator that has been convicted of violating this section until the secretary is satisfied that the transport operator is able to comply with the requirements of this section.

(j) The fee for one (1) set of license plates for each transport operator is one hundred thirty-nine dollars and twenty-five cents ($139.25). The fee shall be distributed as follows:

(1) Twenty-five cents ($0.25) to the state construction fund.

(2) Five dollars ($5) to the crossroads 2000 fund.

(3) Nine dollars ($9) to the dealer compliance account.

(4) Thirty dollars ($30) to the highway, road and street fund.

(5) Ninety-five dollars ($95) to the motor vehicle highway account.

(k) The fee for each additional set of license plates for a

transport operator is thirty-four dollars and twenty-five cents ($34.25). The fee shall be distributed as follows:

(1) Twenty-five cents ($0.25) to the state construction fund.

(2) Nine dollars ($9) to the dealer compliance account.

(3) Ten dollars ($10) to the crossroads 2000 fund.

(4) Fifteen dollars ($15) to the motor vehicle highway account.

SECTION 56. IC 9-32-8-6 IS REPEALED [EFFECTIVE JULY 1, 2020]. ~~Sec. 6. (a) Upon request of the secretary, a person licensed under this chapter shall furnish evidence that the person:~~

~~(1) currently has liability insurance covering the person's place of business; or~~

~~(2) is a member of a risk retention group that is regulated by the Indiana department of insurance.~~

~~(b) A liability insurance policy described in subsection (a)(1) must have limits of not less than the following:~~

~~(1) One hundred thousand dollars ($100,000) for bodily injury to one (1) person.~~

~~(2) Three hundred thousand dollars ($300,000) per accident.~~

~~(3) Fifty thousand dollars ($50,000) for property damage.~~

~~The minimum amounts must be maintained during the time the license is valid.~~

SECTION 57. IC 9-32-8-8, AS ADDED BY P.L.211-2019, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 8. (a) A watercraft dealer licensed by the secretary under this article may, upon **successful** application to the secretary, obtain dealer license plates and registration cards for use in the testing or demonstrating of motorboats.

(b) Two (2) dealer license plates must be displayed within a motorboat that is being tested or demonstrated while the motorboat is being tested or demonstrated.

(c) A transfer dealer or automobile auction company licensed by the secretary under this article may request dealer license plates under subsection (a).

(d) The fee to obtain a dealer license plate and registration card under subsection (a) is ten dollars ($10).

(e) The secretary shall retain the fee collected under this section.

SECTION 58. IC 9-32-11-1, AS AMENDED BY P.L.284-2019,

SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1. (a) Subject to IC 9-32-11-20, the following persons must be licensed under this article:

(1) An automobile auction company.

(2) A converter manufacturer.

(3) A **used motor vehicle** dealer.

(4) A distributor.

(5) An automotive salvage recycler.

(6) A watercraft dealer.

(7) A manufacturer.

(8) A transfer dealer.

(9) An automotive mobility dealer.

(10) A manufactured home dealer.

(11) A new motor vehicle dealer.

The persons listed in this subsection are the only persons eligible for a license under this article.

(b) After January 1, 2018, an automotive mobility dealer must hold an automotive mobility dealer endorsement issued under this article.

(c) After January 1, 2018, an automotive mobility dealer that fails to be licensed and hold an automotive mobility dealer endorsement under this article, and engages in the business of:

(1) selling;

(2) installing;

(3) servicing; or

(4) soliciting or advertising the sale, installation, or servicing of;

equipment or modifications specifically designed to facilitate use or operation of a motor vehicle or watercraft by an individual who is disabled or aged commits a Class A infraction.

SECTION 59. IC 9-32-11-2, AS AMENDED BY P.L.284-2019, SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 2. (a) An application for a license under this article must:

(1) be accompanied by payment of the applicable fee required under this section;

(2) be on a form prescribed by the secretary;

(3) contain the information the secretary considers necessary to enable the secretary to determine fully:

(A) the qualifications and eligibility of the applicant to receive the license; and

(B) the ability of the applicant to conduct properly the business for which the application is submitted;

(4) contain evidence of a bond required in subsection (e);

(5) contain evidence of liability coverage required by section 14 of this chapter;

(6) contain the federal tax identification number issued to the dealer; **and**

(7) contain the registered retail merchant's certificate issued to the dealer under IC 6-2.5-8. ~~and~~

~~(8) be completed by a dealer owner or dealer manager.~~

(b) An application for a license as a dealer must show whether the applicant proposes to sell new or used motor vehicles, or both.

(c) An applicant who proposes to use the Internet or another computer network to facilitate the sale of motor vehicles shall maintain all records at the established place of business in Indiana.

(d) Except as provided in subsections (e), (h), and (i), the application must include an affidavit from:

(1) the person charged with enforcing a zoning ordinance, if one exists; or

(2) the zoning enforcement officer under IC 36-7-4;

who has jurisdiction over the real property where the applicant wants to operate as a dealer. The affidavit must state that the proposed location is zoned for the operation of a dealer's establishment.

(e) Except as provided in subsections (h) and (i), if there is no person or officer under subsection (d)(1) or (d)(2), the application must be accompanied by a statement to that effect from the executive (as defined in IC 36-1-2-5) of the unit in which the real property is located.

(f) The applicant may file the zoning affidavit under subsection (d) or statement under subsection (e) with the application at any time after the filing of the application. However, the secretary may not issue a license until the applicant files the affidavit or the statement.

(g) The zoning affidavit under subsection (d) or statement under subsection (e) may not be signed by a person described in subsection (d)(1) or (d)(2) or the executive of the unit more than ninety (90) days before the affidavit or statement is submitted to the secretary as part of

an application for a license under this article.

(h) If:

(1) the dealer's established place of business is a manufactured home community;

(2) the dealer operates the manufactured home community; and

(3) the dealer is selling or will be selling only manufactured homes that:

(A) are already located within the manufactured home community; or

(B) will be installed within the manufactured home community;

the application must be accompanied by an affidavit under subsection (i).

(i) An affidavit submitted by a dealer under subsection (h) must affirm under penalty of perjury that:

(1) a zoning affidavit or statement is not required under subsection (h); and

(2) the applicant intends to sell only manufactured homes to buyers that purchase manufactured homes with the intent for the manufactured home to:

(A) remain within the manufactured home community; or

(B) be installed within the manufactured home community.

(j) If the secretary receives a written complaint from a person described in subsection (d)(1) or (d)(2) that a dealer under subsection (h) is operating in violation of a local zoning ordinance, the secretary shall delay the issuance or renewal of the dealer's license until the local zoning complaints have been satisfied.

(k) A licensee shall maintain a bond satisfactory to the secretary in the amount of twenty-five thousand dollars ($25,000). The bond must:

(1) be in favor of the state;

(2) secure payment of fines, penalties, costs, and fees assessed by the secretary after:

(A) notice;

(B) opportunity for a hearing; and

(C) opportunity for judicial review; and

(3) secure the payment of damages to a person aggrieved by a violation of this article by the licensee after a judgment has been issued.

(l) Service under this chapter shall be made in accordance with the Indiana Rules of Trial Procedure.

(m) The fee for a license for a manufacturer or a distributor is thirty-five dollars ($35).

(n) The fee for a license for a **used motor vehicle** dealer, ~~other than a manufacturer, converter manufacturer, distributor, watercraft dealer, automotive salvage recycler, or transfer~~ **new motor vehicle** dealer, **or automobile auction company** is thirty dollars ($30).

(o) The fee for a transfer dealer or a converter manufacturer is twenty dollars ($20).

(p) The fees collected under this section are nonrefundable and shall be deposited as set forth in IC 9-32-7-3.

SECTION 60. IC 9-32-11-2.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 2.1. A dealer must have an established place of business that meets the minimum standards prescribed by the secretary under rules adopted under IC 4-22-2. A location that performs only ministerial tasks is not sufficient.**

SECTION 61. IC 9-32-11-2.5, AS AMENDED BY P.L.137-2018, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 2.5. (a) An automotive mobility dealer must be licensed under this article as a **used motor vehicle** dealer, manufacturer, **new motor vehicle dealer,** or converter manufacturer.

(b) Effective January 1, 2018, before an automotive mobility dealer engages in any of the activities described in IC 9-32-2-4.5, the automotive mobility dealer must have an automotive mobility dealer endorsement issued by the secretary.

(c) An application for an automotive mobility endorsement must be:

(1) on a form prescribed by the secretary; and

(2) accompanied by proof that the applicant is accredited through the Quality Assurance Program of the National Mobility Equipment Dealers Association.

SECTION 62. IC 9-32-11-5, AS AMENDED BY P.L.179-2017, SECTION 82, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 5. **(a) This section does not apply to dealers selling new manufactured homes.**

(b) A dealer proposing to sell new motor vehicles or watercraft shall file and maintain with the secretary:

(1) a current copy of each franchise to which the dealer is a party; or

(2) if the dealer is a party to multiple franchises that are identical except for stated items, a copy of the franchise form with supplemental schedules of variations from the form.

SECTION 63. IC 9-32-11-9, AS AMENDED BY P.L.179-2017, SECTION 88, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 9. An automotive mobility dealer licensed and endorsed under this ~~chapter~~ **article** is entitled to:

(1) display;

(2) inventory;

(3) advertise;

(4) offer for sale; or

(5) do any combination of subdivisions (1) through (4) concerning;

any adapted motor vehicle or watercraft.

SECTION 64. IC 9-32-11-10, AS AMENDED BY P.L.174-2016, SECTION 87, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 10. **(a)** This section does not apply to sales made at a motor vehicle industry sponsored trade show.

(b) A dealer that sells to the general public may not sell or offer to sell a motor vehicle at a location away from the dealer's established place of business without obtaining an offsite sales permit under section 11 of this chapter.

(c) A motor vehicle display is not considered an offsite sale if it is conducted:

(1) by a new motor vehicle dealer; and

(2) in an open area where no sales personnel and sales material are present.

SECTION 65. IC 9-32-11-11, AS AMENDED BY P.L.284-2019, SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 11. (a) Except as **otherwise** provided, ~~in subsections (b) through (g),~~ the secretary shall issue an offsite sales permit to a dealer licensed under this ~~chapter~~ **article** who submits an application for the permit not later than ten (10) business

days or two (2) calendar weeks before the offsite sale date. Permit applications under this section shall be made public upon the request of any person.

(b) The secretary may not issue an offsite sales permit to ~~a dealer, who does not have an established place of business within Indiana.~~ **the following:**

~~(c) The secretary may not issue an offsite sales permit to a licensed~~

(1) Except as provided in subsection (c), an applicant dealer proposing to conduct a sale outside a radius of twenty (20) miles from the **applicant dealer's** established place of business. ~~of the licensed dealer. The following may conduct an offsite sale with an offsite sales permit outside a radius of twenty (20) miles from the established place of business of the licensed dealer:~~

~~(1) New manufactured home dealers.~~

~~(2) Recreational vehicle dealers.~~

~~(3) A rental company that is a dealer conducting a sale at a site within twenty (20) miles of any of its company owned affiliates.~~

~~(4) Off-road vehicle dealers.~~

~~(5) Dealers of motor vehicles classified as classic, collector, or antique under rules adopted under section 18(a)(2)(B) of this chapter.~~

~~(d) A motor vehicle display is not considered an offsite sale if it is conducted by a new motor vehicle dealer in an open area where no sales personnel and no sales material are present.~~

~~(e) The secretary may not issue an offsite sales permit to a licensed dealer proposing to conduct an offsite sale for more than ten (10) calendar days.~~

(2) An applicant dealer that has held more than three (3) nonconsecutive offsite sales in the year ending on the date of the offsite sale for which the permit application is being submitted.

(3) An applicant dealer that is proposing to conduct an offsite sale for more than ten (10) calendar days.

(4) An applicant dealer that has failed:

(A) to pay the applicable fee; or

(B) file an affidavit or statement;

under this section.

(5) A transfer dealer.

(6) An automotive salvage recycler.

(c) The following may conduct an offsite sale with an offsite sales permit outside a radius of twenty (20) miles from the entity's established place of business:

(1) A new manufactured home dealer.

(2) A recreational vehicle dealer.

(3) A rental company that is a dealer conducting a sale at a site within twenty (20) miles of any of its company owned affiliates.

(4) An off-road vehicle dealer.

(5) An applicant dealer that is selling only motor vehicles classified as classic, collector, or antique under rules adopted under section 18(a)(2)(B) of this chapter.

~~(f)~~ **(d)** An application for an offsite sales permit must include an affidavit stating that the proposed location is zoned for the operation of the dealer's offsite sale from:

(1) the person charged with enforcing a zoning ordinance, if the person exists; or

(2) the zoning enforcement officer under IC 36-7-4;

who has jurisdiction over the real property where the dealer wants to conduct an offsite sale.

~~(g)~~ **(e)** If there is no person or officer under subsection ~~(f)(1)~~ **(d)(1)** or ~~(f)(2),~~ **(d)(2),** the application must be accompanied by a statement of authorization from the executive (as defined in IC 36-1-2-5) of the unit in which the real property is located.

~~(h) The secretary may not issue an offsite sales permit until the dealer files an affidavit or statement under this subsection.~~

~~(i)~~ **(f)** The affidavit or statement may not be signed by a person described in subsection ~~(f)(1)~~ **(d)(1)** or ~~(f)(2)~~ **(d)(2)** or the executive of a unit more than ninety (90) days before the affidavit or statement is submitted to the secretary as part of an application for a permit under this section.

~~(j) The secretary may not issue an offsite sales permit to a licensed dealer who has held more than three (3) nonconsecutive offsite sales in the year ending on the date of the offsite sale for which the permit application is being submitted.~~

~~(k)~~ **(g)** Section 2(c) of this chapter does not apply to the application or issuance of an offsite sales permit under this section.

~~(l)~~ **(h)** The fee for an offsite sales permit is twenty-five dollars ($25). The fee is nonrefundable and shall be deposited as set forth in IC 9-32-7-3.

SECTION 66. IC 9-32-11-12.5, AS AMENDED BY P.L.179-2017, SECTION 89, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 12.5. (a) This section applies to licenses (other than wholesale dealer licenses) issued after December 31, 2014.

(b) An initial or renewed license issued under this article is valid from the issue date through the expiration date in accordance with the following schedule:

(1) A license for a person whose business name begins with the letters A through B expires February 1 of each year.

(2) A license for a person whose business name begins with the letters C through D expires March 1 of each year.

(3) A license for a person whose business name begins with the letters E through F expires April 1 of each year.

(4) A license for a person whose business name begins with the letters G through H expires May 1 of each year.

(5) A license for a person whose business name begins with the letters I through J expires June 1 of each year.

(6) A license for a person whose business name begins with the letters K through L expires July 1 of each year.

(7) A license for a person whose business name begins with the letters M through N expires August 1 of each year.

(8) A license for a person whose business name begins with the letters O through P expires September 1 of each year.

(9) A license for a person whose business name begins with the letters Q through R expires October 1 of each year.

(10) A license for a person whose business name begins with the letters S through T expires November 1 of each year.

(11) A license for a person whose business name begins with the letters U through V expires December 1 of each year.

(12) A license for a person whose business name begins with the letters W through Z expires January 1 of each year.

(c) A dealer license issued to a person whose business name begins with a nonalpha character expires November 1 of each year.

(d) The fee for the renewal of an automotive salvage recycler license is ten dollars ($10). The fees collected under this subsection are nonrefundable and shall be retained by the secretary.

(e) The fee for the renewal of a watercraft dealer license is thirty dollars ($30). The fees collected under this subsection are nonrefundable and shall be retained by the secretary.

(f) The fee for the renewal of a manufacturer or distributor license is thirty-five dollars ($35). The fees collected under this subsection are nonrefundable and shall be retained by the secretary.

(g) The fee for the renewal of a converter manufacturer or transfer dealer license is twenty dollars ($20). The fees collected under this subsection are nonrefundable and shall be deposited as set forth in IC 9-32-7-3.

(h) The fee for the renewal of a **used motor vehicle** dealer, **new motor vehicle dealer, or automotive auction company** license ~~not described in subsection (d), (e), (f), or (g)~~ is thirty dollars ($30). The fees collected under this section are nonrefundable and shall be deposited as set forth in IC 9-32-7-3.

(i) A person who violates this section by operating on an expired license issued under this chapter commits a Class A infraction.

(j) In the event of a natural disaster or other emergency that prevents the secretary from processing an application for license renewal, the secretary may issue an order extending license expiration dates for not more than twelve (12) additional months.

SECTION 67. IC 9-32-11-15, AS AMENDED BY P.L.179-2017, SECTION 91, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 15. (a) A person who ceases a business activity for which a license was issued under this article shall do the following:

(1) On a form prescribed by the secretary, notify the secretary of the date that the business activity will cease.

(2) Deliver to the secretary the license and all permanent dealer license plates, including dealer designee license plates, issued to the person not later than ten (10) days after the date the business activity ~~will cease.~~ **ceased.**

(b) A dealer may not transfer or sell the:

(1) dealer's license;

(2) use of the dealer's license;

(3) dealer's dealer license plates; or

(4) use of the dealer's dealer license plates.

(c) A dealer that changes its form of organization or state of incorporation may continue the dealer's licensure by filing an amendment to the license and registration if the change does not involve a material fact in the financial condition or management of the dealer. The amendment becomes effective when filed or on the date designated by the dealer in its filing. The new organization is a successor to the original dealer for the purposes of this article.

(d) If there is a change in the dealer's ownership, the successive owner shall file a new application for a license under this chapter.

SECTION 68. IC 9-32-11-21, AS ADDED BY P.L.137-2018, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 21. (a) Except as provided in subsection (b), a dealer that sells a motor vehicle or watercraft must maintain a ~~record of the~~ **separate file for each** sale.

(b) The following ~~records,~~ **documents,** if applicable to the sale, must be maintained **in the file required by subsection (a) for each sale of a motor vehicle or watercraft:**

(1) Finance agreement.

(2) Sales receipt from auction.

(3) Title affidavit required by IC 9-32-4-1.

(4) Interim plates generated in error.

(5) Copy of rebuilt vehicle disclosure required by IC 9-32-13-6.

(6) Bill of sale.

(7) Copy of title.

(8) Form ST-108 (department of state revenue certificate of gross retail or use tax paid on the purchase of a motor vehicle or watercraft).

(9) Proof of delivery or transmission of the certificate of title required by IC 9-32-4-1(b)(3).

(10) Flood damage affidavit required under IC 9-32-9-13.

SECTION 69. IC 9-32-13-25, AS AMENDED BY P.L.174-2016, SECTION 104, IS AMENDED TO READ AS FOLLOWS

[EFFECTIVE JULY 1, 2020]: Sec. 25. It is an unfair practice for a person to:

(1) act as;

(2) offer to act as; or

(3) profess to be;

a broker in the advertising, buying, or selling of a ~~new or used~~ motor vehicle.

SECTION 70. IC 9-32-14-1, AS ADDED BY P.L.92-2013, SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1. Notwithstanding the terms, provisions, or conditions of an agreement or franchise, a **new** motor vehicle dealer is solely liable for damage to a new motor vehicle:

(1) after acceptance from the carrier or transporter; and

(2) before delivery to the ultimate purchaser.

SECTION 71. IC 9-32-14-3, AS ADDED BY P.L.92-2013, SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 3. A **new** motor vehicle dealer is liable for damage to a new motor vehicle after the motor vehicle is delivered to the carrier or transporter only if the **new motor vehicle** dealer selects the method of transportation, mode of transportation, and the carrier or transporter. In all other instances, the manufacturer is liable for carrier related damage to a new motor vehicle.

SECTION 72. IC 9-32-14-4, AS AMENDED BY P.L.174-2016, SECTION 108, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 4. (a) This section does not apply to damage to:

(1) glass;

(2) radios;

(3) tires;

(4) air bags;

(5) navigation systems;

(6) DVD players;

(7) voice command devices;

(8) hands free technology; and

(9) bumpers;

when replaced by identical manufacturer's original equipment.

(b) Any uncorrected damage or any corrected damage to a new motor

vehicle that exceeds four percent (4%) of the manufacturer's suggested retail price (as defined in 26 U.S.C. 4216), as measured by retail repair costs, must be disclosed by the **new motor vehicle** dealer in writing before delivery of the motor vehicle to the ultimate purchaser.

(c) A person that violates this section commits a Class A infraction.

SECTION 73. IC 9-32-16-2, AS AMENDED BY P.L.179-2017, SECTION 94, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 2. (a) An order issued under this article may deny a dealer license or endorsement application for registration if the secretary finds that the order is in the public interest and subsection (c) authorizes the action. An order may condition or limit the license of an applicant to be a dealer and, if the applicant for a dealer license is a partner, officer, director, or person having similar status or performing similar functions, or a person directly or indirectly in control of the dealership, the order may condition or limit the license.

(b) If the secretary finds that an order is in the public interest and subsection (c) authorizes the action, an order issued under this article may deny, revoke, suspend, condition, limit, or permanently bar the granting of a license or endorsement or issuing of a license plate to or an application for a license, endorsement, or license plate from a dealer, owner, dealer manager, or a person having a similar status or performing similar functions as a dealer, or a person directly or indirectly in control of the dealer. However, the secretary may not:

(1) institute a revocation or suspension proceeding under this subsection based on an order issued under the law of another state that is reported to the secretary or a designee of the secretary more than one (1) year after the date of the order on which it is based; or

(2) issue an order on the basis of an order issued under the dealer services laws of another state unless the other order was based on conduct for which subsection (c) would authorize the action had the conduct occurred in Indiana.

(c) A person may be disciplined under this section if the person:

(1) has filed an application for a dealer license or endorsement in Indiana under this article, or its predecessor, within the previous ten (10) years, which, as of the effective date of license or registration or as of any date after filing in the case of an order

denying effectiveness, was incomplete as to a material fact or contained a statement that, in light of the circumstances under which it was made, was false or misleading with respect to a material fact;

(2) knowingly violated or knowingly failed to comply with this article, or its predecessor, within the previous ten (10) years;

(3) has been convicted of a:

(A) felony within the previous ten (10) years;

(B) felony or misdemeanor involving theft or fraud; or

(C) felony or misdemeanor concerning an aspect of business involving the offer, sale, financing, repair, modification, or manufacture of a motor vehicle or watercraft;

(4) is enjoined or restrained by a court with jurisdiction in an action instituted by a state or the United States from engaging in or continuing an act, practice, or course of business involving an aspect of a business involving the offer, barter, sale, purchase, transfer, financing, repair, or manufacture of a motor vehicle or watercraft;

(5) refuses to allow or otherwise impedes the secretary from conducting an audit or inspection;

(6) has engaged in dishonest or unethical practices in a business involving the offer, barter, sale, purchase, transfer, financing, repair, or manufacture of a motor vehicle or watercraft within the previous ten (10) years;

(7) is engaging in unfair practices as set forth in this article;

(8) is on the most recent tax warrant list supplied to the secretary by the department of state revenue;

(9) violates IC 23-2-2.7;

(10) violates IC 9-19-9;

(11) willfully violates federal or state law relating to the sale, distribution, financing, or insuring of motor vehicles or watercraft;

(12) is not compliant with local, state, or federal laws and regulations regarding a dealer license, endorsement, or dealer business;

(13) violates IC 9-32-9-15;

(14) violates IC 9-32-9-16; or

(15) violates IC 9-32-9-29.

(d) The secretary may revoke, suspend, or deny an application, impose fines and costs, restrict, condition, limit, bar, or suspend a dealer license, endorsement, or license plate issued under this article, or order restitution, or do any combination of these actions before final determination of an administrative proceeding. Upon the issuance of an order, the secretary shall promptly notify each person subject to the order:

(1) that the order has been issued;

(2) the reasons for the action; and

(3) that upon receipt of a request in a record from the person, ~~the matter will be scheduled for a hearing~~ **an order setting a hearing date will be issued** within fifteen (15) days.

If a hearing is not requested and no hearing is ordered by the secretary within thirty (30) days after the date of service of the order, the order becomes final by operation of law. If a hearing is requested or ordered, the secretary, after notice of and opportunity for hearing to each person subject to the order, may modify or vacate the order or extend the order until final determination.

(e) After a hearing, the secretary may suspend or deny an application, impose fines and costs, restrict, condition, limit, bar, suspend, or revoke a dealer license or endorsement or order restitution, or do any combination of these actions.

(f) Revocation or suspension of a license or endorsement of a dealer may be limited to one (1) or more locations, to one (1) or more defined areas, or only to certain aspects of the business.

(g) Except as provided in subsection (d), an order may not be issued under this section without:

(1) appropriate notice to the applicant or registrant;

(2) an opportunity for a hearing; and

(3) reasons for the action.

(h) A person that controls, directly or indirectly, a person not in compliance with this section may be disciplined by order of the secretary under subsections (a) and (b) to the same extent as the noncomplying person, unless the controlling person did not know, and in the exercise of reasonable care could not have known, of the existence of conduct that is a ground for discipline under this section.

(i) A person subject to this chapter that has not been issued a license

or endorsement is subject to the same disciplinary fines, costs, and penalties as if a license had been issued.

SECTION 74. IC 9-32-16-3, AS AMENDED BY P.L.174-2016, SECTION 111, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 3. Information or documents obtained by the division in the course of an investigation, including an audit conducted under section ~~6(c)~~ **5** of this chapter, are investigatory records of law enforcement for the purposes of IC 5-14-3-4(b)(1). The secretary may except these records from disclosure under IC 5-14-3-3.

SECTION 75. IC 9-32-16-5, AS AMENDED BY P.L.174-2016, SECTION 112, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 5. **(a)** All dealers licensed **under this article** with the division shall, upon request, provide members of the staff of the division prompt access, during reasonable business hours, to that part of the premises at the dealer's place of business where:

(1) documents are stored; or

(2) motor vehicle sales are offered, made, or processed.

(b) The secretary must notify a dealer of a request for access to the dealer's place of business under subsection (a) at least three (3) days before access is needed. However, if the secretary is conducting an investigation under section 14 of this chapter, members of the staff of the division, at any time and without prior notice, may request access to the dealer's place of business under subsection (a).

(c) The following apply to records of a dealer licensed under this article:

(1) The records are subject to such reasonable periodic, special, or other audits or inspections by a representative of the secretary, outside or within Indiana, as the secretary considers necessary or appropriate in the public interest and for the protection of investors.

(2) The secretary may audit or inspect electronic records at any time and without prior notice.

(3) The secretary must notify a dealer of an audit or inspection of the dealer's paper records at least three (3) days before the audit or inspection. However, if the secretary is

conducting an investigation under section 14 of this chapter, a representative of the secretary may audit or inspect the dealer's paper records at any time and without prior notice.

(4) A representative of the secretary may copy and remove copies of the records the secretary reasonably considers necessary or appropriate to conduct an audit or inspection.

(5) A representative of the secretary may request electronic copies of records the secretary reasonably considers necessary or appropriate to conduct an audit or inspection.

(6) A:

(A) representative of the secretary may make a request for records under this subsection electronically, by mail, or in person at the established place of business of the dealer during reasonable business hours; and

(B) dealer shall produce such records in the manner requested by the representative of the secretary, including in person, electronically, or by mail.

SECTION 76. IC 9-32-16-6, AS ADDED BY P.L.92-2013, SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 6. (a) A dealer licensed or required to be licensed under this article shall make and maintain the records, accounts, correspondence, memoranda, papers, books, and other records required under this article.

(b) Dealer records required to be maintained ~~under IC 9-32-6-14 and other records required~~ under this article may be maintained in any form of data storage acceptable to the secretary ~~if~~ **so long as** the records are readily accessible and available to copy by an investigating or auditing employee of the secretary upon demand at the place of business of the dealer, **electronically, or by mail.**

~~(c) The records of a dealer licensed or required to be licensed under this article are subject to such reasonable periodic, special, or other audits or inspections by a representative of the secretary, within or outside Indiana, as the secretary considers necessary or appropriate in the public interest and for the protection of investors. An audit or inspection may be made at any time and without prior notice. The representative of the secretary may copy, and remove for audit or inspection copies of, the records the secretary reasonably considers~~

~~necessary or appropriate to conduct the audit or inspection.~~

~~(d)~~ **(c)** Dealer records required to be maintained ~~under IC 9-32-6-14 and other records required~~ under this article must be maintained at the place of business of a dealer for a period of two (2) years. Following the two (2) year period, records may be moved offsite but must be maintained for a period of five (5) years.

SECTION 77. IC 9-32-16-11, AS AMENDED BY P.L.284-2019, SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 11. (a) All dealers operating as a:

(1) corporation;
(2) limited liability company;
(3) limited partnership; or
(4) limited liability partnership;

shall file and maintain all filings required to remain in good standing with the secretary of state business services division.

(b) The dealer must, for the entire licensing period, have an established place of business with a physical Indiana address. The dealer may not have a mailing address that differs from the actual location of the business. At the discretion of the secretary, an exemption may be granted for dealers with an established place of business in a location not serviced by the United States Postal Service to allow a post office box to be used as a mailing address. A dealer using a post office box for this reason must notify the division in writing with the dealer's application.

(c) Before the secretary may issue a license to a dealer, the following must **occur:**

(1) A dealer must disclose to the secretary the following:

(A) Each dealer owner.

(B) For a dealer owner that is a business entity, the following:

(i) If a corporation, each officer, director, and shareholder designated in writing by the board of directors.

(ii) If a limited liability company, each member of the company designated in writing by all members.

(iii) If a partnership, each partner.

(iv) If a sole proprietorship, the proprietor.

(C) Each dealer manager.

(2) A person under subdivision (1) must submit to a national criminal history background check (as defined in IC 10-13-3-12) or expanded criminal history check (as defined in IC 20-26-2-1.5) administered by the state police.

~~(1) Each dealer owner.~~

~~(2) Each dealer manager.~~

The secretary shall make the determination whether an individual must submit to a national criminal history background check or an expanded criminal history check under this subsection.

(d) A national criminal history background check or expanded criminal history check conducted under subsection (c):

(1) is at the expense of the dealer and the dealer owners; and

(2) may be completed not more than sixty (60) days before the dealer applies for a license under this article.

(e) The secretary may deny an application for a license if the division finds that a dealer owner or a dealer manager has been convicted of a:

(1) felony within the previous ten (10) years;

(2) felony or misdemeanor involving theft or fraud; or

(3) felony or misdemeanor concerning an aspect of business involving the offer, sale, financing, repair, modification, or manufacture of a motor vehicle or watercraft.

(f) If a dealer adds or changes a dealer owner or dealer manager after issuance of the initial license, the dealer must submit an application for a change in ownership in a manner prescribed by the secretary not later than ten (10) days after the change. The new dealer owner or dealer manager shall submit to a national criminal history background check or expanded criminal history check as set forth in subsection (c).

(g) Following licensure under this article, a dealer shall, not later than ninety (90) days after the entry of an order or judgment, notify the division in writing if the dealer owner or dealer manager has been convicted of a:

(1) felony within the past ten (10) years;

(2) felony or misdemeanor involving theft or fraud; or

(3) felony or misdemeanor concerning an aspect of business involving the:

(A) offer;

(B) sale;
(C) financing;
(D) repair;
(E) modification; or
(F) manufacture;

of a motor vehicle or watercraft.

(h) The dealer and the corporation, company, or partnership must be in good standing with the bureau, the department of state revenue, the department of financial institutions, and the state police department during the entire period for which a license is valid.

SECTION 78. [EFFECTIVE UPON PASSAGE] **Notwithstanding the effective date in HEA 1482-2019 (P.L. 284-2019), the effective date of the following SECTIONS of that act is July 1, 2021, and not July 1, 2020:**

(1) SECTION 22 for IC 9-32-9-16.
(2) SECTION 24 for IC 9-32-9-20.
(3) SECTION 26 for IC 9-32-9-29.

SECTION 79. [EFFECTIVE UPON PASSAGE] **(a) Notwithstanding the July 1, 2021, effective date of the following sections added by P.L.178-2019, the effective date for these sections is July 1, 2020, and not July 1, 2021:**

(1) IC 9-13-2-103.4, as added by P.L.178-2019, SECTION 36.
(2) IC 9-24-17.5-1, as added by P.L.178-2019, SECTION 55.
(3) IC 9-24-17.5-2, as added by P.L.178-2019, SECTION 55.
(4) IC 9-24-17.5-3, as added by P.L.178-2019, SECTION 55.
(5) IC 9-24-17.5-4, as added by P.L.178-2019, SECTION 55.

(b) Notwithstanding the July 1, 2021, effective date of the following sections amended by P.L.178-2019, the effective date for these sections is July 1, 2020, and not July 1, 2021:

(1) IC 9-13-2-39.7, as amended by P.L.178-2019, SECTION 32.
(2) IC 9-13-2-48, as amended by P.L.178-2019, SECTION 33.
(3) IC 9-13-2-74.5, as amended by P.L.178-2019, SECTION 34.
(4) IC 9-13-2-123.5, as amended by P.L.178-2019, SECTION 37.
(5) IC 9-24-11-4, as amended by P.L.178-2019, SECTION 48.

(6) IC 9-24-11-5, as amended by P.L.178-2019, SECTION 49.

(7) IC 9-24-11-5.5, as amended by P.L.178-2019, SECTION 50.

(8) IC 9-24-11-8, as amended by P.L.178-2019, SECTION 51.

(9) IC 9-24-13-3, as amended by P.L.178-2019, SECTION 53.

(c) Notwithstanding the July 1, 2021, effective date of IC 9-24-16-3 as amended by P.L.211-2019, SECTION 9, the effective date of IC 9-24-16-3 as amended by P.L.211-2019, SECTION 9, is July 1, 2020, and not July 1, 2021.

(d) Notwithstanding the effective dates of the amendments of IC 9-24-16-3 by P.L.82-2019, SECTION 3, P.L.178-2019, SECTION 54, and P.L.211-2019, SECTION 9, the revisor of statutes shall publish IC 9-24-16-3 in the Indiana Code as amended by P.L.82-2019, SECTION 3, P.L.178-2019, SECTION 54, and P.L.211-2019, SECTION 9, effective July 1, 2020.

SECTION 80. **An emergency is declared for this act.**

P.L.121-2020
[H.1264. Approved March 18, 2020.]

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

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

SECTION 1. IC 12-17.2-2-1, AS AMENDED BY P.L.53-2018, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1. The division shall perform the following duties:

(1) Administer the licensing and monitoring of child care centers or child care homes in accordance with this article.

(2) Ensure that a national criminal history background check of the following is completed through the state police department under

IC 10-13-3-39 before issuing a license:

(A) An applicant for a license.

(B) An employee or volunteer of an applicant who ~~has direct contact with a child who is receiving child care from the applicant.~~ **may be present on the premises of the child care center or child care home during the operating hours of the child care center or child care home.**

(C) If an applicant is applying for a license to operate a child care home, the following:

(i) The applicant's spouse.

(ii) The applicant's household members who are at least eighteen (18) years of age or who are less than eighteen (18) years of age but have previously been waived from juvenile court to adult court.

(3) Ensure that a national criminal history background check of the following is completed through the state police department under IC 10-13-3-39 before registering a child care ministry:

(A) An applicant for a child care ministry registration.

(B) An employee or volunteer of an applicant who ~~has direct contact with a child who is receiving child care from the applicant.~~ **may be present on the premises of the child care ministry during the operating hours of the child care ministry.**

(4) Provide for the issuance, denial, suspension, and revocation of licenses.

(5) Cooperate with governing bodies of child care centers and child care homes and their staffs to improve standards of child care.

(6) Prepare at least biannually a directory of licensees with a description of the program capacity and type of children served that will be distributed to the legislature, licensees, and other interested parties as a public document.

(7) Deposit all license application fees collected under section 2 of this chapter in the division of family resources child care fund established by section 3 of this chapter.

(8) Require each child care center or child care home to record proof of a child's date of birth before accepting the child. A child's

date of birth may be proven by the child's original birth certificate or other reliable proof of the child's date of birth, including a duly attested transcript of a birth certificate.

(9) Provide an Internet **web** site through which members of the public may obtain the following information:

(A) Information concerning violations of this article by a licensed child care provider, including:

(i) the identity of the child care provider;

(ii) the date of the violation; and

(iii) action taken by the division in response to the violation.

(B) Current status of a child care provider's license.

(C) Other relevant information.

The Internet **web** site may not contain the address of a child care home or information identifying an individual child. However, the site may include the county and ZIP code in which a child care home is located.

(10) Provide or approve training concerning safe sleeping practices for children to:

(A) a provider who operates a child care program in the provider's home as described in IC 12-17.2-3.5-12.5;

(B) a child care home licensed under IC 12-17.2-5;

(C) a child care center licensed under IC 12-17.2-4; and

(D) a child care ministry registered under IC 12-17.2-6;

including practices to reduce the risk of sudden infant death syndrome.

SECTION 2. IC 12-17.2-3.5-4, AS AMENDED BY P.L.171-2014, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 4. (a) A provider is ineligible to receive a voucher payment if the provider:

(1) has been convicted of a:

(A) felony:

(i) related to the health or safety of a child;

(ii) that is a sex offense (as defined in IC 11-8-8-5.2);

(iii) that is a dangerous felony; or

(iv) that is not a felony otherwise described in items (i) through (iii), and less than ten (10) years have elapsed from the date the person was discharged from probation,

imprisonment, or parole, whichever discharge date is latest;

(B) misdemeanor related to:

(i) the health or safety of a child; or

(ii) welfare fraud;

(C) misdemeanor for operating a child care center without a license under IC 12-17.2-4-35, or of a substantially similar offense committed in another jurisdiction if the offense is directly or indirectly related to jeopardizing the health or safety of a child; or

(D) misdemeanor for operating a child care home without a license under IC 12-17.2-5-35, or of a substantially similar offense committed in another jurisdiction if the offense is directly or indirectly related to jeopardizing the health or safety of a child;

(2) allows an individual who has been convicted of a crime specified under subdivision (1) to reside with the provider, if the provider operates a child care program in the provider's home;

(3) employs an individual or allows an individual to volunteer who:

(A) ~~has direct contact with a child who is receiving child care from the provider;~~ **may be on the premises of the facility where the provider operates a child care program during operating hours of the child care program;** and

(B) has been convicted of a crime specified in subdivision (1);

(4) has had a revocation of eligibility under this chapter during the immediately preceding two (2) years; or

(5) fails to meet the requirements of this chapter.

(b) A provider whose:

(1) license under IC 12-17.2-4 or IC 12-17.2-5; or

(2) compliance with this chapter;

is subject to an enforcement action is ineligible to receive a voucher payment, regardless of whether the provider meets the requirements of this chapter, until the outcome of any proceeding under IC 4-21.5 reflects a final determination that the provider's license or eligibility is in good standing.

(c) If the division decertifies a provider under this chapter, the provider:

(1) may reapply for eligibility to receive a voucher payment at any time that the provider is able to demonstrate compliance with this chapter; and

(2) is not eligible to receive a voucher payment under this chapter until the provider receives notice from the division that the provider's application under subdivision (1) has been approved.

(d) In determining whether a provider meets the requirements of this chapter, the division may not consider religious instruction or activities.

SECTION 3. IC 12-17.2-3.5-12, AS AMENDED BY P.L.287-2013, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 12. (a) Except as provided in subsection (f) and subject to subsection (g), a provider shall, at no expense to the state, do the following:

(1) If the provider is an individual, submit the provider's fingerprints for a national criminal history background check by the Federal Bureau of Investigation.

(2) If the provider operates a child care program in the provider's home, require:

(A) the provider's spouse; and

(B) any individual who resides with the provider and who is:

(i) at least eighteen (18) years of age; or

(ii) less than eighteen (18) years of age but has previously been waived from juvenile court to adult court;

to submit fingerprints for a national criminal history background check by the Federal Bureau of Investigation.

(3) Require any individual who:

(A) is employed or volunteers; and

(B) ~~has direct contact with a child who is receiving child care from the provider;~~ **may be present on the premises of the facility where the provider operates a child care program during operating hours of the child care program;**

to submit fingerprints for a national criminal history background check by the Federal Bureau of Investigation.

A provider shall require an individual described in subdivision (3) to submit fingerprints for a national criminal history background check before the individual is employed or allowed to volunteer and every three (3) years thereafter that the individual is continuously employed

or allowed to volunteer.

(b) In addition to the requirement under subsection (a), a provider shall report to the division any:

(1) police investigations;

(2) arrests; and

(3) criminal convictions;

of which the provider is aware regarding any of the persons listed in subsection (a).

(c) A provider that meets the other eligibility requirements of this chapter is temporarily eligible to receive voucher payments until the division receives the national criminal history background check required under subsection (a) from the state police department if:

(1) the provider:

(A) has:

(i) submitted; or

(ii) required an individual described in subsection (a)(2) or (a)(3) to submit;

fingerprints for a national criminal history background check as required under subsection (a); and

(B) obtains a local criminal history for the individuals described in subsection (a) from each individual's local law enforcement agency before the individual is employed or allowed to volunteer; and

(2) the local criminal history does not reveal that an individual has been convicted of a:

(A) felony:

(i) related to the health or safety of a child;

(ii) that is a sex offense (as defined in IC 11-8-8-5.2);

(iii) that is a dangerous felony; or

(iv) that is not a felony otherwise described in items (i) through (iii), and less than ten (10) years have elapsed from the date the person was discharged from probation, imprisonment, or parole, whichever discharge date is latest;

(B) misdemeanor related to the health or safety of a child;

(C) misdemeanor for operating a child care center without a license under IC 12-17.2-4-35, or of a substantially similar offense committed in another jurisdiction if the offense is

directly or indirectly related to jeopardizing the health or safety of a child; or

(D) misdemeanor for operating a child care home without a license under IC 12-17.2-5-35, or of a substantially similar offense committed in another jurisdiction if the offense is directly or indirectly related to jeopardizing the health or safety of a child.

(d) A provider is ineligible to receive a voucher payment if an individual for whom a national criminal history background check is required under this section has been convicted of a:

(1) felony:

(A) related to the health or safety of a child;

(B) that is a sex offense (as defined in IC 11-8-8-5.2);

(C) that is a dangerous felony; or

(D) that is not a felony otherwise described in clauses (A) through (C), and less than ten (10) years have elapsed from the date the person was discharged from probation, imprisonment, or parole, whichever discharge date is latest;

(2) misdemeanor related to the health or safety of a child;

(3) misdemeanor for operating a child care center without a license under IC 12-17.2-4-35, or of a substantially similar offense committed in another jurisdiction, if the offense is directly or indirectly related to jeopardizing the health or safety of a child; or

(4) misdemeanor for operating a child care home without a license under IC 12-17.2-5-35, or of a substantially similar offense committed in another jurisdiction, if the offense is directly or indirectly related to jeopardizing the health or safety of a child;

until the individual is dismissed from employment or volunteer service at the facility where the provider operates a child care program or no longer resides with the provider.

(e) A provider shall maintain a written policy requiring an individual for whom a national criminal history background check is required under this section to report any criminal convictions of the individual to the provider.

(f) Notwithstanding IC 10-13-3-28, the state police department may not charge a church or religious society any fees or costs (other than fees or costs charged by the Federal Bureau of Investigation or a private

entity) for responding to a request for a release of a national criminal history background check record of a prospective or current employee or a prospective or current volunteer of a child care ministry registered under IC 12-17.2-6 if the conditions set forth in IC 10-13-3-36(f) are met.

(g) A provider that holds a license or registration under this article on July 1, 2013, shall, at no expense to the state, meet the requirements under subsection (a) not later than July 1, 2014.

SECTION 4. IC 12-17.2-4-3, AS AMENDED BY P.L.25-2018, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 3. (a) An applicant must apply for a child care center license on forms provided by the division.

(b) An applicant must submit the required information as part of the application, including the following:

(1) If the county, city, or town in which the child care center is located requires a business permit or license to operate a child care center in the county, city, or town, proof that the applicant has a valid business permit or license.

(2) If the county, city, or town in which the child care center is located does not require a business permit or license described in subdivision (1), a statement from the county, city, or town that a business permit or license is not required.

(c) The applicant must submit with the application a statement attesting that the applicant:

(1) has not been convicted of:

(A) a felony:

(i) related to the health or safety of a child;

(ii) that is a sex offense (as defined in IC 11-8-8-5.2);

(iii) that is a dangerous felony; or

(iv) that is not a felony otherwise described in items (i) through (iii), and less than ten (10) years have elapsed from the date the person was discharged from probation, imprisonment, or parole, whichever discharge date is latest;

(B) a misdemeanor relating to the health or safety of children;

(C) a misdemeanor for operating a child care center without a license under section 35 of this chapter, or of a substantially similar offense committed in another jurisdiction if the offense

is directly or indirectly related to jeopardizing the health or safety of a child; or

(D) a misdemeanor for operating a child care home without a license under IC 12-17.2-5-35, or of a substantially similar offense committed in another jurisdiction if the offense is directly or indirectly related to jeopardizing the health or safety of a child; and

(2) has not been charged with:

(A) a felony;

(B) a misdemeanor relating to the health or safety of children;

(C) a misdemeanor for operating a child care center without a license under section 35 of this chapter, or with a substantially similar offense in another jurisdiction if the offense is directly or indirectly related to jeopardizing the health or safety of a child; or

(D) a misdemeanor for operating a child care home without a license under IC 12-17.2-5-35, or with a substantially similar offense in another jurisdiction if the offense is directly or indirectly related to jeopardizing the health or safety of a child;

during the pendency of the application.

(d) An applicant shall, at no expense to the state, submit:

(1) the necessary information, forms, or consents; and

(2) the applicant's fingerprints;

for a national criminal history background check by the Federal Bureau of Investigation.

(e) Subject to section 3.3 of this chapter, the applicant must, at no expense to the state, do the following:

(1) Require an employee or volunteer of the applicant who ~~has direct contact with a child who is receiving child care from the applicant~~ **may be present on the premises of the child care center during operating hours of the child care center** to submit fingerprints for a national criminal history background check by the Federal Bureau of Investigation.

(2) Report to the division any:

(A) police investigations;

(B) arrests; and

(C) criminal convictions;

of which the applicant is aware regarding the applicant or an employee or volunteer described in subdivision (1).

An applicant shall require an individual described in subdivision (1) to apply for a national criminal history background check before the individual is employed or allowed to volunteer and every three (3) years thereafter that the individual is continuously employed or allowed to volunteer.

SECTION 5. IC 12-17.2-4-5, AS AMENDED BY P.L.287-2013, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 5. (a) The following constitute sufficient grounds for a denial of a license application:

(1) A determination by the department of child services established by IC 31-25-1-1 of child abuse or neglect (as defined in IC 31-9-2-14) by:

(A) the applicant;

(B) an employee of the applicant who ~~has direct contact, on a regular and continuous basis, with children who are under the direct supervision of the applicant;~~ **may be present on the premises of the child care center during operating hours of the child care center;** or

(C) a volunteer of the applicant who ~~has direct contact, on a regular and continuous basis, with children who are under the direct supervision of the applicant.~~ **may be present on the premises of the child care center during operating hours of the child care center.**

(2) A criminal conviction of the applicant, **or** an employee **or volunteer** of the applicant who ~~has direct contact with children who are receiving child care from the applicant, or a volunteer of the applicant who has direct contact with children who are receiving child care from the applicant,~~ **may be present on the premises of the child care center during operating hours of the child care center,** of any of the following:

(A) A felony:

(i) related to the health or safety of a child;

(ii) that is a sex offense (as defined in IC 11-8-8-5.2);

(iii) that is a dangerous felony; or

(iv) that is not a felony otherwise described in items (i)

through (iii), and less than ten (10) years have elapsed from the date the person was discharged from probation, imprisonment, or parole, whichever discharge date is latest.

(B) A misdemeanor related to the health or safety of a child.

(C) A misdemeanor for operating a child care center without a license under section 35 of this chapter, or a substantially similar offense in another jurisdiction if the offense is directly or indirectly related to jeopardizing the health or safety of a child.

(D) A misdemeanor for operating a child care home without a license under IC 12-17.2-5-35, or a substantially similar offense in another jurisdiction if the offense is directly or indirectly related to jeopardizing the health or safety of a child.

(3) A determination by the division that the applicant made false statements in the applicant's application for licensure.

(4) A determination by the division that the applicant made false statements in the records required by the division.

(5) A determination by the division that the applicant previously operated a:

(A) child care center without a license under this chapter; or

(B) child care home without a license under IC 12-17.2-5.

(b) Notwithstanding subsection (a)(2), if:

(1) a license application is denied due to a criminal conviction of an employee or a volunteer of the applicant; and

(2) the division determines that the employee or volunteer has been dismissed by the applicant;

the criminal conviction of the former employee or former volunteer does not require denial of a license application.

SECTION 6. IC 12-17.2-4-32, AS AMENDED BY P.L.287-2013, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 32. (a) The following constitute sufficient grounds for revocation of a license:

(1) A determination by the department of child services of child abuse or neglect (as defined in IC 31-9-2-14) by:

(A) the licensee;

(B) an employee of the licensee who ~~has direct contact, on a regular and continuous basis, with children who are under the~~

~~direct supervision of the licensee;~~ **may be present on the premises of the child care center during operating hours of the child care center;** or

(C) a volunteer of the licensee who ~~has direct contact, on a regular and continuous basis, with children who are under the direct supervision of the licensee.~~ **may be present on the premises of the child care center during operating hours of the child care center.**

(2) A criminal conviction of the licensee, **or** an employee **or volunteer** of the licensee who ~~has direct contact with children who are receiving child care from the licensee, or a volunteer of the licensee who has direct contact with children who are receiving child care from the licensee,~~ **may be present on the premises of the child care center during operating hours of the child care center,** of any of the following:

(A) A felony:

(i) related to the health or safety of a child;

(ii) that is a sex offense (as defined in IC 11-8-8-5.2);

(iii) that is a dangerous felony; or

(iv) that is not a felony otherwise described in items (i) through (iii), and less than ten (10) years have elapsed from the date the person was discharged from probation, imprisonment, or parole, whichever discharge date is latest.

(B) A misdemeanor related to the health or safety of a child.

(C) A misdemeanor for operating a child care center without a license under section 35 of this chapter, or a substantially similar offense in another jurisdiction if the offense is directly or indirectly related to jeopardizing the health or safety of a child.

(D) A misdemeanor for operating a child care home without a license under IC 12-17.2-5-35, or a substantially similar offense in another jurisdiction if the offense is directly or indirectly related to jeopardizing the health or safety of a child.

(3) A determination by the division that the licensee made false statements in the licensee's application for licensure.

(4) A determination by the division that the licensee made false statements in the records required by the division.

(5) A determination by the division that the licensee previously operated a:

(A) child care center without a license under this chapter; or

(B) child care home without a license under IC 12-17.2-5.

(b) Notwithstanding subsection (a)(2), if:

(1) a license is revoked due to a criminal conviction of an employee or a volunteer of the licensee; and

(2) the division determines that the employee or volunteer has been dismissed by the licensee;

the criminal conviction of the former employee or former volunteer does not require revocation of a license.

SECTION 7. IC 12-17.2-5-3, AS AMENDED BY P.L.25-2018, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 3. (a) An applicant must apply for a child care home license on forms provided by the division.

(b) An applicant must submit the required information as part of the application, including the following:

(1) If the county, city, or town in which the child care home is located requires a business permit or license to operate a child care home in the county, city, or town, proof that the applicant has a valid business permit or license.

(2) If the county, city, or town in which the child care home is located does not require a business permit or license described in subdivision (1), a statement from the county, city, or town that a business permit or license is not required.

(c) An applicant must submit with the application a statement attesting that the applicant has not been:

(1) convicted of:

(A) a felony:

(i) related to the health or safety of a child;

(ii) that is a sex offense (as defined in IC 11-8-8-5.2);

(iii) that is a dangerous felony; or

(iv) that is not a felony otherwise described in items (i) through (iii), and less than ten (10) years have elapsed from the date the person was discharged from probation, imprisonment, or parole, whichever discharge date is latest;

(B) a misdemeanor relating to the health or safety of children;

(C) a misdemeanor for operating a child care center without a license under IC 12-17.2-4-35, or of a substantially similar offense committed in another jurisdiction if the offense is directly or indirectly related to jeopardizing the health or safety of a child; or

(D) a misdemeanor for operating a child care home without a license under section 35 of this chapter, or of a substantially similar offense committed in another jurisdiction if the offense is directly or indirectly related to jeopardizing the health or safety of a child; and

(2) charged with:

(A) a felony;

(B) a misdemeanor relating to the health or safety of children;

(C) a misdemeanor for operating a child care center without a license under IC 12-17.2-4-35, or with a substantially similar offense in another jurisdiction if the offense is directly or indirectly related to jeopardizing the health or safety of a child; or

(D) a misdemeanor for operating a child care home without a license under section 35 of this chapter, or with a substantially similar offense in another jurisdiction if the offense is directly or indirectly related to jeopardizing the health or safety of a child;

during the pendency of the application.

(d) An applicant must submit:

(1) the necessary information, forms, or consents; and

(2) the fingerprints of the applicant and the applicant's spouse;

for a national criminal history background check by the Federal Bureau of Investigation.

(e) Subject to section 3.3 of this chapter, an applicant shall require:

(1) an employee or ~~a~~ volunteer of the applicant who ~~has direct contact with a child who is receiving child care from the applicant;~~ **may be present on the premises of the child care home during operating hours of the child care home;** and

(2) the applicant's household members who are:

(A) at least eighteen (18) years of age; or

(B) less than eighteen (18) years of age but have previously

been waived from juvenile court to adult court;

to submit fingerprints for a national criminal history background check by the Federal Bureau of Investigation. An applicant shall require an individual described in subdivision (1) to apply for a national criminal history background check before the individual is employed or allowed to volunteer and every three (3) years thereafter that the individual is continuously employed or allowed to volunteer.

(f) In addition to the requirements under subsections (d) and (e), an applicant must report to the division any:

~~(A)~~ **(1)** police investigations;

~~(B)~~ **(2)** arrests; and

~~(C)~~ **(3)** criminal convictions;

of which the applicant is aware regarding the applicant, the applicant's spouse, or a person described in subsection (e).

SECTION 8. IC 12-17.2-5-4, AS AMENDED BY THE TECHNICAL CORRECTIONS BILL OF THE 2020 GENERAL ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 4. (a) The following constitute sufficient grounds for a denial of a license application:

(1) A determination by the department of child services established by IC 31-25-1-1 of child abuse or neglect (as defined in IC 31-9-2-14) by:

(A) the applicant;

(B) a member of the applicant's household;

(C) an employee of the applicant who ~~has direct contact, on a regular and continuous basis, with children who are under the direct supervision of the applicant;~~ **may be present on the premises of the child care home during operating hours of the child care home;** or

(D) a volunteer of the applicant who ~~has direct contact, on a regular and continuous basis, with children who are under the direct supervision of the applicant.~~ **may be present on the premises of the child care home during operating hours of the child care home.**

(2) A criminal conviction of the applicant, **or** an employee **or volunteer** of the applicant who ~~has direct contact with children who are receiving child care from the applicant, a volunteer of the~~

~~applicant who has direct contact with children who are receiving child care from the applicant, or a member of the applicant's household,~~ **may be present on the premises of the child care home during operating hours of the child care home,** of any of the following:

(A) A felony:

(i) related to the health or safety of a child;

(ii) that is a sex offense (as defined in IC 11-8-8-5.2);

(iii) that is a dangerous felony; or

(iv) that is not a felony otherwise described in items (i) through (iii), and less than ten (10) years have elapsed from the date the person was discharged from probation, imprisonment, or parole, whichever discharge date is latest.

(B) A misdemeanor related to the health or safety of a child.

(C) A misdemeanor for operating a child care center without a license under IC 12-17.2-4-35, or a substantially similar offense committed in another jurisdiction if the offense is directly or indirectly related to jeopardizing the health or safety of a child.

(D) A misdemeanor for operating a child care home without a license under section 35 of this chapter, or a substantially similar offense committed in another jurisdiction if the offense is directly or indirectly related to jeopardizing the health or safety of a child.

(3) A determination by the division that the applicant made false statements in the applicant's application for licensure.

(4) A determination by the division that the applicant made false statements in the records required by the division.

(5) A determination by the division that the applicant previously operated a:

(A) child care center without a license under IC 12-17.2-4; or

(B) child care home without a license under this chapter.

(b) Notwithstanding subsection (a)(2), if:

(1) a license application is denied due to a criminal conviction of:

(A) an employee or a volunteer of the applicant; or

(B) a member of the applicant's household; and

(2) the division determines that the:

(A) employee or volunteer has been dismissed by the applicant; or

(B) member of the applicant's household is no longer a member of the applicant's household;

the criminal conviction of the former employee, former volunteer, or former member does not require denial of a license application.

SECTION 9. IC 12-17.2-5-32, AS AMENDED BY P.L.287-2013, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 32. (a) The following constitute sufficient grounds for revocation of a license:

(1) A determination by the department of child services of child abuse or neglect (as defined in IC 31-9-2-14) by:

(A) the licensee;

(B) a member of the licensee's household;

(C) an employee of the licensee who ~~has direct contact, on a regular and continuous basis, with children who are under the direct supervision of the licensee;~~ **may be present on the premises of the child care home during operating hours of the child care home;** or

(D) a volunteer of the licensee who ~~has direct contact, on a regular and continuous basis, with children who are under the direct supervision of the licensee.~~ **may be present on the premises of the child care home during operating hours of the child care home.**

(2) A criminal conviction of the licensee, **or** an employee **or volunteer** of the licensee who ~~has direct contact with children who are receiving child care from the licensee, a volunteer of the licensee who has direct contact with children who are receiving child care from the licensee, or a member of the licensee's household,~~ **may be present on the premises of the child care home during operating hours of the child care home,** of any of the following:

(A) A felony:

(i) related to the health or safety of a child;

(ii) that is a sex offense (as defined in IC 11-8-8-5.2);

(iii) that is a dangerous felony; or

(iv) that is not a felony otherwise described in items (i)

through (iii), and less than ten (10) years have elapsed from the date the person was discharged from probation, imprisonment, or parole, whichever discharge date is latest.

(B) A misdemeanor related to the health or safety of a child.

(C) A misdemeanor for operating a child care center without a license under IC 12-17.2-4-35, or a substantially similar offense committed in another jurisdiction if the offense is directly or indirectly related to jeopardizing the health or safety of a child.

(D) A misdemeanor for operating a child care home without a license under section 35 of this chapter, or a substantially similar offense committed in another jurisdiction if the offense is directly or indirectly related to jeopardizing the health or safety of a child.

(3) A determination by the division that the licensee made false statements in the licensee's application for licensure.

(4) A determination by the division that the licensee made false statements in the records required by the division.

(5) A determination by the division that the licensee previously operated a:

(A) child care center without a license under IC 12-17.2-4; or

(B) child care home without a license under this chapter.

(b) Notwithstanding subsection (a)(2), if:

(1) a license is revoked due to a criminal conviction of:

(A) an employee or a volunteer of the licensee's; or

(B) a resident of the licensee's household; and

(2) the division determines that the:

(A) employee or volunteer has been dismissed by the licensee; or

(B) member of the licensee's household is no longer a member of the licensee's household;

the criminal conviction of the former employee, former volunteer, or former member does not require revocation of a license.

SECTION 10. IC 12-17.2-6-14, AS AMENDED BY P.L.168-2014, SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 14. (a) A child care ministry must do the following:

(1) Subject to subsection (c), require, at no expense to the state, an employee or ~~a~~ volunteer who ~~has direct contact with a child who is receiving child care from the child care ministry~~ **may be present on the premises of the child care ministry during operating hours of the child care ministry** to submit fingerprints for a national criminal history background check by the Federal Bureau of Investigation.

(2) Report to the division any:

(A) police investigations;

(B) arrests; and

(C) criminal convictions;

of which the operator or director of the child care ministry is aware regarding an employee or volunteer described in subdivision (1).

(3) Refrain from employing, or allowing to serve as a volunteer, an individual who ~~has direct contact with a child who is receiving child care from~~ **may be present on the premises of the child care ministry during operating hours of** the child care ministry and who:

(A) has been convicted of a felony:

(i) related to the health or safety of a child;

(ii) that is a sex offense (as defined in IC 11-8-8-5.2);

(iii) that is a dangerous felony; or

(iv) that is not a felony otherwise described in items (i) through (iii), and less than ten (10) years have elapsed from the date the person was discharged from probation, imprisonment, or parole, whichever discharge date is latest;

(B) has been convicted of a misdemeanor related to the health or safety of a child;

(C) has been convicted of a misdemeanor under IC 12-17.2-4-35 for operating a child care center without a license, or of a substantially similar offense committed in another jurisdiction if the offense is directly or indirectly related to jeopardizing the health or safety of a child;

(D) has been convicted of a misdemeanor under IC 12-17.2-5-35 for operating a child care home without a license, or of a substantially similar offense committed in another jurisdiction if the offense is directly or indirectly

related to jeopardizing the health or safety of a child; or

(E) is a person against whom an allegation of child abuse or neglect has been substantiated under IC 31-33, or under a substantially similar provision in another jurisdiction.

(b) A child care ministry shall require an individual described in subsection (a)(1) to apply for a national criminal history background check before the individual is employed or allowed to volunteer and every three (3) years thereafter that the individual is continuously employed or allowed to volunteer.

(c) A child care ministry that is registered under this chapter on July 1, 2013, shall, at no expense to the state, meet the requirements under subsection (a)(1) not later than July 1, 2014.

SECTION 11. IC 12-17.2-6-16, AS ADDED BY P.L.53-2018, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 16. (a) The following constitute sufficient grounds for denial of an application for registration under this chapter:

(1) A determination by the department of child services of child abuse or neglect (as defined in IC 31-9-2-14) by:

(A) the applicant;

(B) an employee of the applicant who ~~has direct contact, on a regular and continuous basis, with children who are under the direct supervision of the applicant;~~ **may be present on the premises of the child care ministry during operating hours of the child care ministry;** or

(C) a volunteer of the applicant who ~~has direct contact, on a regular and continuous basis, with children who are under the direct supervision of the applicant.~~ **may be present on the premises of the child care ministry during operating hours of the child care ministry.**

(2) A criminal conviction of the applicant, **or** an employee **or volunteer** of the applicant who ~~has direct contact with children who are receiving child care from the applicant, or a volunteer of the applicant who has direct contact with children who are receiving child care from the applicant,~~ **may be present on the premises of the child care ministry during operating hours of the child care ministry,** of any of the following:

(A) A felony:

(i) related to the health or safety of a child;

(ii) that is a sex offense (as defined in IC 11-8-8-5.2);

(iii) that is a dangerous felony; or

(iv) that is not a felony otherwise described in items (i) through (iii), and less than ten (10) years have elapsed from the date the person was discharged from probation, imprisonment, or parole, whichever discharge date is latest.

(B) A misdemeanor related to the health or safety of a child.

(C) A misdemeanor for operating a child care ministry without a registration under this chapter, or a substantially similar offense in another jurisdiction if the offense is directly or indirectly related to jeopardizing the health or safety of a child.

(D) A misdemeanor for operating a child care center without a license under IC 12-17.2-4-35, or a substantially similar offense in another jurisdiction if the offense is directly or indirectly related to jeopardizing the health or safety of a child.

(E) A misdemeanor for operating a child care home without a license under IC 12-17.2-5-35, or a substantially similar offense in another jurisdiction if the offense is directly or indirectly related to jeopardizing the health or safety of a child.

(3) A determination by the division that the applicant made false statements in the applicant's application for registration.

(4) A determination by the division that the applicant made false statements in the records required by the division.

(5) A determination by the division that the applicant previously operated a:

(A) child care ministry without a registration under this chapter;

(B) child care center without a license under IC 12-17.2-4; or

(C) child care home without a license under IC 12-17.2-5.

(b) Notwithstanding subsection (a)(2), if:

(1) a registration application is denied due to a criminal conviction of an employee or a volunteer of the applicant; and

(2) the division determines that the employee or volunteer has been dismissed by the applicant;

the criminal conviction of the former employee or former volunteer does

not require denial of the registration application.

SECTION 12. IC 12-17.2-6-19, AS ADDED BY P.L.53-2018, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 19. (a) The following constitute sufficient grounds for revocation of a registration under this chapter:

(1) A determination by the department of child services of child abuse or neglect (as defined in IC 31-9-2-14) by:

(A) the operator of the child care ministry;

(B) an employee of the child care ministry who ~~has direct contact, on a regular and continuous basis, with children who are under the direct supervision of the child care ministry;~~ **may be present on the premises of the child care ministry during operating hours of the child care ministry;** or

(C) a volunteer of the child care ministry who ~~has direct contact, on a regular and continuous basis, with children who are under the direct supervision of the child care ministry.~~ **may be present on the premises of the child care ministry during operating hours of the child care ministry.**

(2) A criminal conviction of the operator of the child care ministry, **or** an employee **or volunteer** of the child care ministry who ~~has direct contact with children who are receiving child care from the child care ministry, or a volunteer of the child care ministry who has direct contact with children who are receiving child care from the child care ministry,~~ **may be present on the premises of the child care ministry during operating hours of the child care ministry,** of any of the following:

(A) A felony:

(i) related to the health or safety of a child;

(ii) that is a sex offense (as defined in IC 11-8-8-5.2);

(iii) that is a dangerous felony; or

(iv) that is not a felony otherwise described in items (i) through (iii), and less than ten (10) years have elapsed from the date the person was discharged from probation, imprisonment, or parole, whichever discharge date is latest.

(B) A misdemeanor related to the health or safety of a child.

(C) A misdemeanor for operating a child care ministry without a registration under this chapter, or a substantially similar

offense in another jurisdiction if the offense is directly or indirectly related to jeopardizing the health or safety of a child.

(D) A misdemeanor for operating a child care center without a license under IC 12-17.2-4-35, or a substantially similar offense in another jurisdiction if the offense is directly or indirectly related to jeopardizing the health or safety of a child.

(E) A misdemeanor for operating a child care home without a license under IC 12-17.2-5-35, or a substantially similar offense in another jurisdiction if the offense is directly or indirectly related to jeopardizing the health or safety of a child.

(3) A determination by the division that the operator of the child care ministry made false statements in the child care ministry's registration application.

(4) A determination by the division that the operator of the child care ministry made false statements in the records required by the division.

(5) A determination by the division that the operator of the child care ministry previously operated a:

(A) child care ministry without a registration under this chapter;

(B) child care center without a license under IC 12-17.2-4; or

(C) child care home without a license under IC 12-17.2-5.

(b) Notwithstanding subsection (a)(2), if:

(1) a registration is revoked due to a criminal conviction of an employee or a volunteer of the child care ministry; and

(2) the division determines that the employee or volunteer has been dismissed by the child care ministry;

the criminal conviction of the former employee or former volunteer does not require revocation of the registration.

P.L.122-2020
[H.1265. Approved March 18, 2020.]

AN ACT to amend the Indiana Code concerning health.

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

SECTION 1. IC 16-41-21.1-3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 3. (a) Except as provided in subsection (b), each person or entity having authority over a school building shall test the drinking water in the school building before January 1, 2023, to determine whether the drinking water equals or exceeds the action level for lead of fifteen (15) parts per billion, or fifteen one thousandths (0.015) milligram of lead per liter of water, established by 40 CFR 141.80 as in effect on January 1, 2020.**

(b) A person or entity having authority over a school building that is subject to testing under subsection (a) satisfies the requirement of subsection (a) with respect to a school building if the drinking water in the school building:

(1) was tested during the lead sampling program for school buildings conducted by the Indiana finance authority in 2017 and 2018;

(2) is tested in the lead sampling program for school buildings and child care facilities conducted by the Indiana finance authority in 2019 and 2020; or

(3) has otherwise been tested for compliance with the standards set forth in subsection (a) at least once since 2016.

(c) After calendar year 2022, the drinking water in every school building located in Lake County shall be tested at least one (1) time in each period of two (2) calendar years to determine whether the drinking water equals or exceeds the action level for lead of fifteen

(15) parts per billion, or fifteen one thousandths (0.015) milligram of lead per liter of water.

(d) If any testing of drinking water conducted under this section indicates that the presence of lead in the drinking water is equal to or greater than the lead action level of fifteen (15) parts per billion established by 40 CFR 141, Subpart I, as in effect on January 1, 2020, the person or entity having authority over the school building from which the water was taken for testing shall take action to reduce the lead levels in the drinking water to less than fifteen (15) parts per billion.

(e) Each person or entity having authority over a school building that is subject to testing under this section shall seek any state and federal grant money available for lead sampling or testing, including any money available under the lead sampling program for school buildings and child care facilities conducted by the Indiana finance authority.

SECTION 2. [EFFECTIVE JULY 1, 2020] **(a) The general assembly finds:**

(1) that:

(A) the historic prevalence in Lake County of heavy industry and of the environmental problems associated with heavy industry, including lead contamination; and

(B) concerns arising from the fact that lead accumulates in the human body, so that the risk of lead poisoning increases with repeated exposures to lead;

create a special need to protect the children of Lake County against exposure to lead through the drinking water in school buildings; and

(2) that, for purposes of Article 4, Section 23 of the Constitution of the State of Indiana, the case of IC 16-41-21.1-3(c), as added by this act, is one in which a general law cannot be made applicable.

(b) This SECTION expires July 1, 2021.

P.L.123-2020
[H.1267. Approved March 18, 2020.]

AN ACT to amend the Indiana Code concerning elections.

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

SECTION 1. IC 3-8-2-20, AS AMENDED BY P.L.225-2011, SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 20. (a) A person who files a declaration of candidacy under this chapter may, at any time not later than noon ~~eighty-five (85)~~ **eighty-one (81)** days before the date set for holding the primary election, file a statement with the same office where the person filed the declaration of candidacy, stating that the person is no longer a candidate and does not wish the person's name to appear on the primary election ballot as a candidate.

(b) A candidate who is disqualified from being a candidate under IC 3-8-1-5 must file a notice of withdrawal immediately upon becoming disqualified. The filing requirements of subsection (a) do not apply to a notice of withdrawal filed under this subsection.

(c) A candidate who has moved from the election district the candidate sought to represent must file a notice of withdrawal immediately after changing the candidate's residence. The filing requirements of subsection (a) do not apply to a notice of withdrawal filed under this subsection.

P.L.124-2020
[H.1283. Approved March 18, 2020.]

AN ACT to amend the Indiana Code concerning education.

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

SECTION 1. IC 20-28-5-26 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 26. (a) A teacher preparation program shall include content within the curriculum that:**

(1) prepares teacher candidates to use evidence based trauma informed classroom instruction and recognition of social, emotional, and behavioral reactions to trauma that may interfere with a student's academic functioning; and

(2) provides information on applicable Indiana laws regarding other instructional requirements and applicable Indiana laws relating to the instruction and recognition described in subdivision (1), including the following:

(A) IC 20-30-5-5.

(B) IC 20-30-5-6.

(C) IC 20-30-5-13.

(D) IC 20-30-5-17.

(E) IC 20-34-3-21.

(F) IC 20-34-9.

(b) The teacher preparation program shall consider using curricula that includes:

(1) training on recognizing possible signs of social, emotional, and behavioral reactions to trauma;

(2) training on the potential impacts of trauma;

(3) strategies for recognizing the signs and symptoms of trauma;

(4) practical recommendations for running a trauma informed

classroom; and
(5) approaches for avoiding revictimization in schools.

P.L.125-2020
[H.1305. Approved March 18, 2020.]

AN ACT to amend the Indiana Code concerning education.

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

SECTION 1. IC 20-26-13-10, AS AMENDED BY P.L.159-2019, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 10. (a) Except as provided in section 11 of this chapter, the four (4) year graduation rate for a cohort in a high school is the percentage determined under STEP FIVE of the following formula:

STEP ONE: Determine the grade 9 enrollment at the beginning of the reporting year three (3) years before the reporting year for which the graduation rate is being determined.

STEP TWO: Add:

(A) the number determined under STEP ONE; and

(B) the number of students who:

(i) have enrolled in the high school after the date on which the number determined under STEP ONE was determined; and

(ii) have the same expected graduation year as the cohort.

STEP THREE: Subtract from the sum determined under STEP TWO the number of students who have left the cohort for any of the following reasons:

(A) Transfer to another public or nonpublic school.

(B) Except as provided in IC 20-33-2-28.6 and subsection (b), removal by the student's parents under IC 20-33-2-28 to

provide instruction equivalent to that given in the public schools.

(C) Withdrawal because of a long term medical condition or death.

(D) Detention by a law enforcement agency or the department of correction.

(E) Placement by a court order or the department of child services.

(F) Enrollment in a virtual school.

(G) Leaving school, if the student attended school in Indiana for less than one (1) school year and the location of the student cannot be determined.

(H) Leaving school, if the location of the student cannot be determined and the student has been reported to the Indiana clearinghouse for information on missing children and missing endangered adults.

(I) Withdrawing from school before graduation, if the student is a high ability student (as defined in IC 20-36-1-3) who is a full-time student at an accredited institution of higher education during the semester in which the cohort graduates.

(J) Withdrawing from school before graduation pursuant to providing notice of withdrawal under section 17 of this chapter.

STEP FOUR: Determine the total number of students determined under STEP TWO who have graduated during the current reporting year or a previous reporting year.

STEP FIVE: Divide:

(A) the number determined under STEP FOUR; by

(B) the remainder determined under STEP THREE.

(b) This subsection applies to a high school in which:

(1) for a:

(A) cohort of one hundred (100) students or less, at least ten percent (10%) of the students left a particular cohort for a reason described in subsection (a) STEP THREE clause (B); or

(B) cohort of more than one hundred (100) students, at least five percent (5%) of the students left a particular cohort for a

reason described in subsection (a) STEP THREE clause (B); and

(2) the students described in subdivision (1)(A) or (1)(B) are not on track to graduate with their cohort.

A high school must submit a request to the state board in a manner prescribed by the state board requesting that the students described in this subsection be included in the subsection (a) STEP THREE calculation. The state board shall review the request and may grant or deny the request. The state board shall deny the request unless the high school demonstrates good cause to justify that the students described in this subsection should be included in the subsection (a) STEP THREE calculation. If the state board denies the request the high school may not subtract the students described in this subsection under subsection (a) STEP THREE.

SECTION 2. IC 20-26-13-11, AS AMENDED BY P.L.159-2019, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 11. (a) A student who has left school is not included in clauses (A) through ~~(I)~~ **(J)** of STEP THREE of the formula established in section 10(a) of this chapter unless the school can provide written proof that the student has left the school for one (1) of the reasons set forth in clauses (A) through ~~(I)~~ **(J)** of STEP THREE of section 10(a) of this chapter. If the location of the student is unknown to the school, the principal of the school shall send a certified letter to the last known address of the student, inquiring about the student's whereabouts and status. If the student is not located after the certified letter is delivered or if no response is received, the principal may submit the student's information, including last known address, parent or guardian name, student testing number, and other pertinent data to the state attendance officer. The state attendance officer, using all available state data and any other means available, shall attempt to locate the student and report the student's location and school enrollment status to the principal so that the principal can appropriately send student records to the new school or otherwise document the student's status.

(b) The department shall conduct a review of each school's graduation cohort on a schedule determined by the department.

(c) If a school cannot provide written proof that a student should be

included in clauses (A) through ~~(I)~~ **(J)** of STEP THREE of section 10(a) of this chapter, the student is considered a dropout.

SECTION 3. IC 20-26-13-13, AS AMENDED BY P.L.159-2019, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 13. For any school that cannot provide written proof supporting the school's determination to include a student under any one (1) of clauses (A) through ~~(I)~~ **(J)** of STEP THREE of section 10(a) of this chapter, the department shall require the publication of the corrected graduation rate in the next school year's report required under IC 20-20-8-3.

SECTION 4. IC 20-26-13-17 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 17. A student must be subtracted under clause (J) of STEP THREE of section 10(a) of this chapter if all of the following occur:**

(1) The student's parent submits to the school the following statements, on forms prescribed by the department, while the student is enrolled in grade 8:

(A) A statement from the parent:

(i) affirming that the parent has a sincerely held religious belief against the taking of a photograph; and

(ii) stating that the student will be withdrawing from school after completing grade 10 in order to allow the student to complete a career pathway certification or due to the parent's deeply held religious belief.

(B) A statement from a member of the clergy of the religious organization of which the parent is a member regarding the prohibition of photography of members of the religious organization.

(2) The parent provides proof to the school that at least one (1) parent has been issued a photo exempt driver's license or a photo exempt identification card issued under IC 9-24-16.5.

(3) The student withdraws from school after completing grade 10.

P.L.126-2020
[H.1309. Approved March 18, 2020.]

AN ACT to amend the Indiana Code concerning environmental law.

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

SECTION 1. IC 13-11-2-91.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 91.5. "Great Lakes system", for purposes of IC 13-14-8-9, means all of the streams, rivers, lakes, and other bodies of water within the drainage basin of the Great Lakes within the United States.**

SECTION 2. IC 13-14-8-9, AS AMENDED BY P.L.147-2015, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 9. (a) A variance from a water quality standard that is at least in part the basis of a National Pollutant Discharge Elimination System (NPDES) permit issued under this title must meet the conditions specified in:

(1) 40 CFR ~~Part~~ 132, Appendix F, Procedure ~~2.C;~~ **2, in the case of waters within the Great Lakes system;** ~~and~~

(2) 40 CFR 131.14; and

~~(2)~~ **(3)** rules adopted by the board.

(b) A variance from a water quality standard issued for waters within the Great Lakes system must meet the requirements of:

(1) 40 CFR 131.14; and

(2) 40 CFR 132;

as applicable. If two (2) or more inconsistent requirements could apply under 40 CFR 131.14 and 40 CFR 132 to a variance for waters within the Great Lakes system, the more stringent requirement applies to the variance.

~~(b)~~ **(c)** With respect to a variance relating to an NPDES permit for a combined sewer overflow discharge, this subsection is satisfied if the

NPDES permit holder has prepared a long term control plan and is implementing the nine (9) minimum controls pursuant to:

(1) 33 U.S.C. 1342(q); and

(2) 59 FR 18688.

~~(c)~~ **(d)** ~~Subject to subsection (d),~~ A variance ~~described in subsection (a)~~ may be granted **under this section** for a period ~~not to exceed the term of the NPDES permit affected by the variance.~~ **as follows:**

(1) For waters within the Great Lakes system, not more than five (5) years.

(2) For waters outside the Great Lakes system, any period that does not exceed a term authorized under 40 CFR 131.14. However, a variance issued under this section for a period of more than five (5) years must be reevaluated in accordance with the requirements of 40 CFR 131.14.

~~(d)~~ **(e) Except as provided in subsection (d),** if an NPDES permit remains in effect beyond its stated term under IC 13-15-3-6, a variance ~~described in subsection (a)~~ **issued under this section** remains in effect for as long as the NPDES permit requirements affected by the variance are in effect.

~~(e)~~ **(f)** ~~A variance described in subsection (a) may be renewed each time the NPDES permit affected by the variance is renewed if the conditions of subsections (a) and (b) continue to be met.~~ **An application for a variance relating to an NPDES permit may be submitted under this section at any time before or after the issuance, renewal, or modification of the NPDES permit.**

SECTION 3. IC 13-18-11-4, AS AMENDED BY P.L.147-2015, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 4. (a) The commissioner shall issue certificates attesting to the competency of operators. A certificate must indicate the classification of works, plant, or system that the operator is qualified to supervise.

(b) If the successful passage of a certification examination is generally required for the issuance of a particular certificate under this chapter, the department shall ~~administer~~ **ensure that** the certification examination **is administered** to candidates for the certificate at least once per year.

(c) The commissioner may authorize an independent third party to

administer certification examinations ~~in addition to the examinations administered by the department under~~ **described in** subsection (b). A third party administering an examination under this subsection may require a candidate taking the examination to pay the third party a fee in addition to paying the department the fee required by section 5 of this chapter.

P.L.127-2020
[H.1326. Approved March 18, 2020.]

AN ACT to amend the Indiana Code concerning human services.

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

SECTION 1. IC 12-15-5-20 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 20. (a) As used in this section, "intensive outpatient treatment program" means an organized treatment program that uses behavioral health professionals and clinicians in a group setting to provide multiple treatment service components for rehabilitation of alcohol and other substance use or dependency. The term includes services determined by the office and approved in the Medicaid state plan.**

(b) If the office requires a supervisor for addiction based intensive outpatient treatment under this article, the following supervisors who either have at least two (2) years of experience in addiction treatment or hold an addiction credential, as determined by the division, are eligible supervisors:

(1) Licensed clinical social workers.

(2) Licensed mental health counselors.

(3) Licensed marriage and family therapists.

(4) Licensed clinical addiction counselors.

(c) The office may not require a direct service provider in an intensive outpatient treatment program to be a licensed addiction counselor or a licensed clinical addiction counselor. However, the direct service provider must, under the supervision of a clinician described in subsection (b), either:

(1) hold an addiction credential, as determined by the division; or

(2) have training and experience in addiction treatment, as determined by the division.

SECTION 2. IC 12-15-5-21 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 21. For purposes of required nonfederal share medical assistance payments under Title XIX of the Social Security Act, a community mental health center is defined as a governmental unit.**

SECTION 3. IC 12-15-13.5-6 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 6. (a) Subject to subsection (b), a recovery audit shall not require documentation, at the time of service, for services provided by a community mental health center (as defined in IC 12-7-2-38) when the documentation is part of an ongoing plan of treatment or a documentation of specific treatment methods.**

(b) The direct service provider shall complete documentation described in subsection (a) within a reasonable time frame, but not later than thirty (30) days from the date of service, prior to Medicaid billing.

(c) Any supervising provider in a community mental health center is eligible to review documentation in order to certify a plan of treatment or review specific treatment methods at intervals not greater than ninety (90) days.

(d) A supervising provider described in subsection (c) may review the documentation described in subsection (c) regardless of:

(1) whether the supervising provider is providing direct supervision; and

(2) the location where the service was provided.

A review described under this subsection must be documented by the signature of the supervising provider.

(e) In developing a plan of treatment, the following must be completed to demonstrate active treatment with a client:

(1) A signed client consent form.

(2) The completion of a list of requirements concerning audit compliance, as determined by the division in collaboration with community mental health centers, that verifies active participation in the development of the client's plan of treatment.

(3) Either:

(A) the signature of the client on the client's plan of treatment; or

(B) if the direct care provider, after a good faith effort, is unable to obtain the client's signature on the client's plan of treatment:

(i) the provision of documentation by the provider of the reasons the provider was unable to obtain the signature;

(ii) the continuation of attempting to obtain the client's signature on the client's plan of treatment; and

(iii) a determination by the division, based on the documentation in item (i), that the direct care provider has made a good faith effort to obtain the signature.

SECTION 4. IC 12-21-2-3, AS AMENDED BY P.L.243-2017, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 3. The secretary or the secretary's designee shall do the following:

(1) Organize the division, create the appropriate personnel positions, and employ personnel necessary to discharge the statutory duties and powers of the division or a bureau of the division.

(2) Subject to the approval of the state personnel department, establish personnel qualifications for all deputy directors, assistant directors, bureau heads, and superintendents.

(3) Subject to the approval of the budget director and the governor, establish the compensation of all deputy directors, assistant directors, bureau heads, and superintendents.

(4) Study the entire problem of mental health, mental illness, and addictions existing in Indiana.

(5) Adopt rules under IC 4-22-2 for the following:

(A) Standards for the operation of private institutions that are licensed under IC 12-25 for the diagnosis, treatment, and care of individuals with psychiatric disorders, addictions, or other abnormal mental conditions.

(B) Licensing or certifying community residential programs described in IC 12-22-2-3.5 for individuals with serious mental illness (SMI), serious emotional disturbance (SED), or chronic addiction (CA) with the exception of psychiatric residential treatment facilities.

(C) Certifying community mental health centers to operate in Indiana.

(D) Establish exclusive geographic primary service areas for community mental health centers. The rules must include the following:

(i) Criteria and procedures to justify the change to the boundaries of a community mental health center's primary service area.

(ii) Criteria and procedures to justify the change of an assignment of a community mental health center to a primary service area.

(iii) A provision specifying that the criteria and procedures determined in items (i) and (ii) must include an option for the county and the community mental health center to initiate a request for a change in primary service area or provider assignment.

(iv) A provision specifying the criteria and procedures determined in items (i) and (ii) may not limit an eligible consumer's right to choose or access the services of any provider who is certified by the division of mental health and addiction to provide public supported mental health services.

(6) Institute programs, in conjunction with an accredited college or university and with the approval, if required by law, of the commission for higher education, for the instruction of students of mental health and other related occupations. The programs may be

designed to meet requirements for undergraduate and postgraduate degrees and to provide continuing education and research.

(7) Develop programs to educate the public in regard to the prevention, diagnosis, treatment, and care of all abnormal mental conditions.

(8) Make the facilities of the state institutions available for the instruction of medical students, student nurses, interns, and resident and fellow physicians under the supervision of the faculty of any accredited school of medicine or osteopathy located in Indiana or an accredited residency or fellowship training program in connection with research and instruction in psychiatric disorders.

(9) Institute a stipend program designed to improve the quality and quantity of staff that state institutions employ.

(10) Establish, supervise, and conduct community programs, either directly or by contract, for the diagnosis, treatment, and prevention of psychiatric disorders.

(11) Adopt rules under IC 4-22-2 concerning the records and data to be kept concerning individuals admitted to state institutions, community mental health centers, or other providers.

(12) Compile information and statistics concerning the ethnicity and gender of a program or service recipient.

(13) Establish standards for services described in IC 12-7-2-40.6 for community mental health centers and other providers.

(14) Provide that the standards for services provided by recovery residences for residential care and supported housing for chronic addiction, when used as a recovery residence, to:

(A) be certified through an entity approved by the division to ensure adherence to standards determined by the National Alliance for Recovery Residences (NARR) or a similar entity; and

(B) meet other standards established by the division under rules adopted under IC 4-22-2.

(15) Require the division to:

(A) provide best practice recommendations to community mental health centers; and

(B) work with community mental health centers in a

collaborative manner in order to ensure improved health outcomes as a part of reviews or audits.

Documentation developed as a part of an incident or death reporting audit or review is confidential and may only be shared between the division and the community mental health center.

SECTION 5. IC 12-21-5-7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 7. (a) The division may grant a waiver of any staffing requirements to a community mental health center applicant that is unable to meet any staffing ratio requirements the division has for community mental health centers.**

(b) A licensed clinical addiction counselor shall be counted by the division in determining whether a community mental health center applicant meets the direct care full-time equivalent staffing requirements for community mental health center certification.

(c) Any licensed prescriber with prescriptive authority shall be counted by the division when determining whether a community mental health center applicant meets the psychiatric staffing requirements for community mental health center certification.

SECTION 6. IC 12-23-19-9 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 9. (a) On or before January 1, 2021, the division of mental health and addiction shall develop a comprehensive appeals process under the mental health and addiction forensic treatment services program when a corrective action plan is required.**

(b) The appeals process described in subsection (a) must reserve the right to restrict ongoing treatment and referrals of new clients in cases of alleged abuse or neglect, filing false claims, providing false information, or waste. In all other cases, conscious effort should be made to ensure the maintained continuity of care of clients by allowing providers to continue to offer services while the corrective action plan is being completed.

SECTION 7. IC 12-29-2-1.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 1.5. For purposes of the required**

nonfederal share of medical assistance payments under Title XIX of the federal Social Security Act (42 U.S.C. 1396 et seq.), a community mental health center is a governmental unit.

SECTION 8. IC 25-23-1-19.4, AS AMENDED BY P.L.129-2018, SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 19.4. (a) This section does not apply to certified registered nurse anesthetists.

(b) As used in this section, "practitioner" has the meaning set forth in IC 16-42-19-5. However, the term does not include the following:

(1) A veterinarian.

(2) An advanced practice registered nurse.

(3) A physician assistant.

(c) An advanced practice registered nurse shall operate:

(1) in collaboration with a licensed practitioner as evidenced by a practice agreement;

(2) by privileges granted by the governing board of a hospital licensed under IC 16-21 with the advice of the medical staff of the hospital that sets forth the manner in which an advanced practice registered nurse and a licensed practitioner will cooperate, coordinate, and consult with each other in the provision of health care to their patients; or

(3) by privileges granted by the governing body of a hospital operated under IC 12-24-1 that sets forth the manner in which an advanced practice registered nurse and a licensed practitioner will cooperate, coordinate, and consult with each other in the provision of health care to their patients.

(d) This subsection applies for purposes of the Medicaid program to an advanced practice registered nurse who:

(1) is licensed pursuant to IC 25-23-1-19.5; and

(2) has been educated and trained to work with patients with addiction and mental health needs.

An advanced practice registered nurse who meets the requirements of this subsection has all of the supervisory rights and responsibilities, including prior authorization, that are available to a licensed physician or a health service provider in psychology (HSPP) operating in a community mental health center certified under IC 12-21-2-3(5)(C).

(e) Before January 1, 2021, the office of the secretary shall apply to the United States Department of Health and Human Services for any state plan amendment necessary to implement subsection (d).

P.L.128-2020
[H.1341. Approved March 18, 2020.]

AN ACT concerning education.

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

SECTION 1. [EFFECTIVE UPON PASSAGE] **(a) The definitions in IC 20 apply throughout this SECTION.**

(b) The state advisory council on the education of children with disabilities established under IC 20-35-3-1 shall develop a plan to inform:

(1) former students who received a certificate of completion or another nondiploma certificate of recognition after December 31, 2003; and

(2) former students who:

(A) had:

(i) an individualized education program;

(ii) a plan developed under Section 504 of the federal Rehabilitation Act, 29 U.S.C. 794;

(iii) a service plan developed under 511 IAC 7-34; or

(iv) a choice scholarship education plan developed under 511 IAC 7-49; and

(B) withdrew from school after December 31, 2003, and who were at least sixteen (16) years of age on the date of withdrawal;

of the opportunities and resources described in subsection (c).

(c) The plan developed under subsection (b) must include the following:

(1) A description of the following:

(A) How to contact former students described in subsection (b).

(B) The opportunities that former students described in subsection (b) have to earn a diploma, including an alternative diploma described in IC 20-32-4-14 or an Indiana high school equivalency diploma.

(2) A list of the following:

(A) Resources available to former students described in subsection (b) regarding employment services.

(B) Vocational training opportunities for former students described in subsection (b).

(d) The state advisory council shall submit a copy of the plan developed under subsection (b) to the general assembly, in an electronic format under IC 5-14-6, before October 1, 2020.

(e) This SECTION expires January 1, 2022.

SECTION 2. **An emergency is declared for this act.**

P.L.129-2020
[H.1353. Approved March 18, 2020.]

AN ACT to amend the Indiana Code concerning financial institutions.

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

SECTION 1. IC 24-4.4-1-101, AS AMENDED BY P.L.27-2012, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 101. (a) This article shall be known and may be cited as the First Lien Mortgage Lending Act.

(b) Notwithstanding any other provision of this article or IC 24-4.5, the department may adopt emergency rules under IC 4-22-2-37.1, to remain effective until codified in the Indiana Code, in order to provide for a system of licensing creditors and mortgage loan originators that meets the requirements of:

(1) the Secure and Fair Enforcement for Mortgage Licensing Act of 2008 (H.R. 3221 Title V) and the interpretations of that Act issued by the Secretary of Housing and Urban Development and the Consumer Financial Protection Bureau; **and**

(2) the subsequent amendment of the Secure and Fair Enforcement for Mortgage Licensing Act of 2008 by the Economic Growth, Regulatory Relief, and Consumer Protection Act (P.L. 115-174, 132 Stat. 1296).

SECTION 2. IC 24-4.4-1-102, AS AMENDED BY P.L.176-2019, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 102. (1) This article shall be liberally construed and applied to promote its underlying purposes and policies.

(2) The underlying purposes and policies of this article are:

(a) to permit and encourage the development of fair and economically sound first lien mortgage lending practices; and

(b) to conform the regulation of first lien mortgage lending

practices to applicable state and federal laws, rules, regulations, policies, and guidance.

(3) A reference to a requirement imposed by this article includes reference to a related rule of the department adopted under this article.

(4) A reference to a federal law in this article is a reference to the law as in effect December 31, ~~2018.~~ **2019.**

SECTION 3. IC 24-4.4-2-402.3, AS AMENDED BY P.L.176-2019, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 402.3. (1) Each:

(a) creditor; and

(b) person that is exempt (either under this article or under IC 24-4.5) from licensing to engage in mortgage loans and that:

(i) employs a licensed mortgage loan originator; or

(ii) sponsors under an exclusive written agreement, as permitted by IC 24-4.4-1-202(b)(6)(a), a licensed mortgage loan originator as an independent agent;

must be covered by a surety bond in accordance with this section.

(2) A surety bond must:

(a) provide coverage for:

(i) a creditor; or

(ii) a person that is exempt from licensing and that employs a licensed mortgage loan originator, or that sponsors under an exclusive written agreement (as permitted by IC 24-4.4-1-202(b)(6)(a)) a licensed mortgage loan originator as an independent agent;

in an amount as prescribed in subsection (4);

(b) be in a form prescribed by the director;

(c) be in effect:

(i) during the term of the creditor's license; or

(ii) at any time during which the person exempt from licensing employs a licensed mortgage loan originator or sponsors under an exclusive written agreement (as permitted by IC 24-4.4-1-202(b)(6)(a)) a licensed mortgage loan originator as an independent agent;

as applicable;

(d) **subject to subsection (3),** remain in effect during the two (2) years after:

(i) the **license of the** creditor ~~ceases offering financial services to individuals in Indiana;~~ **is surrendered or terminated;** or

(ii) the person exempt from licensing ceases to employ a licensed mortgage loan originator, or ceases to sponsor under an exclusive written agreement (as permitted by IC 24-4.4-1-202(b)(6)(a)) a licensed mortgage loan originator as an independent agent, or to offer financial services to individuals in Indiana, whichever is later;

as applicable;

(e) be payable to the department for the benefit of:

(i) the state; and

(ii) individuals who reside in Indiana when they agree to receive financial services from the creditor or the person exempt from licensing, as applicable;

(f) be issued by a bonding, surety, or insurance company authorized to do business in Indiana and rated at least "A-" by at least one (1) nationally recognized investment rating service; and

(g) have payment conditioned upon:

(i) the creditor's or any of the creditor's licensed mortgage loan originators'; or

(ii) the exempt person's or any of the exempt person's licensed mortgage loan originators';

noncompliance with or violation of this chapter, 750 IAC 9, or other federal or state laws or regulations applicable to mortgage lending.

(3) The director may adopt rules or guidance documents with respect to the requirements for a surety bond as necessary to accomplish the purposes of this article. **Upon written request from:**

(a) a creditor described in subsection (1)(a); or

(b) an exempt person described in subsection (1)(b);

the director may, at the discretion of the director, waive or shorten the two (2) year period set forth in subsection (2)(d) during which a surety bond required by this section must remain in effect after the occurrence of an event described in subsection (2)(d)(i) or (2)(d)(ii), as applicable.

(4) The penal sum of the surety bond shall be maintained in an amount that reflects the dollar amount of mortgage transactions

originated as determined by the director. If the principal amount of a surety bond required under this section is reduced by payment of a claim or judgment, the creditor or exempt person for whom the bond is issued shall immediately notify the director of the reduction and, not later than thirty (30) days after notice by the director, file a new or an additional surety bond in an amount set by the director. The amount of the new or additional bond set by the director must be at least the amount of the bond before payment of the claim or judgment.

(5) If for any reason a surety terminates a bond issued under this section, the creditor or the exempt person shall immediately notify the department and file a new surety bond in an amount determined by the director.

(6) Cancellation of a surety bond issued under this section does not affect any liability incurred or accrued during the period when the surety bond was in effect.

(7) The director may obtain satisfaction from a surety bond issued under this section if the director incurs expenses, issues a final order, or recovers a final judgment under this chapter.

(8) Notices required under this section must be made in writing and submitted through the NMLSR or any other electronic registration system that may be approved by the director.

SECTION 4. IC 24-4.5-1-102, AS AMENDED BY P.L.176-2019, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 102. (1) This article shall be liberally construed and applied to promote its underlying purposes and policies.

(2) The underlying purposes and policies of this article are:

(a) to simplify, clarify, and modernize the law governing retail installment sales, consumer credit, small loans, and usury;

(b) to provide rate ceilings to assure an adequate supply of credit to consumers;

(c) to further consumer understanding of the terms of credit transactions and to foster competition among suppliers of consumer credit so that consumers may obtain credit at reasonable cost;

(d) to protect consumer buyers, lessees, and borrowers against unfair practices by some suppliers of consumer credit, having due regard for the interests of legitimate and scrupulous creditors;

(e) to permit and encourage the development of fair and economically sound consumer credit practices;

(f) to conform the regulation of consumer credit transactions to the policies of the Consumer Credit Protection Act (15 U.S.C. 1601 et seq.) and to applicable state and federal laws, rules, regulations, policies, and guidance; and

(g) to make uniform the law, including administrative rules among the various jurisdictions.

(3) A reference to a requirement imposed by this article includes reference to a related rule or guidance of the department adopted pursuant to this article.

(4) A reference to a federal law in this article is a reference to the law as in effect December 31, ~~2018.~~ **2019.**

(5) This article applies to a transaction if the director determines that the transaction:

(a) is in substance a disguised consumer credit transaction; or

(b) involves the application of subterfuge for the purpose of avoiding this article.

A determination by the director under this subsection must be in writing and shall be delivered to all parties to the transaction. IC 4-21.5-3 applies to a determination made under this subsection.

(6) The authority of this article remains in effect, whether a licensee, an individual, or a person subject to this article acts or claims to act under any licensing or registration law of this state, or claims to act without such authority.

(7) A violation of a state or federal law, regulation, or rule applicable to consumer credit transactions is a violation of this article.

(8) The department may enforce penalty provisions set forth in 15 U.S.C. 1640 for violations of disclosure requirements applicable to mortgage transactions.

SECTION 5. IC 24-4.5-2-203.5, AS AMENDED BY P.L.280-2019, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019 (RETROACTIVE)]: Sec. 203.5. Delinquency Charges — (1) With respect to a consumer credit sale, refinancing, or consolidation, the parties may contract for a delinquency charge of not more than **the following:**

(a) Five dollars ($5) on any installment or minimum payment due

that is not paid in full ~~within~~ **not later than** ten (10) days after its scheduled due date, **in the case of a consumer credit sale, refinancing, or consolidation that is made before July 1, 2019. The amount of five dollars ($5) in this subdivision is subject to change under IC 24-4.5-1-106. In addition, the parties may provide by contract for a delinquency charge that is subject to change. If the parties provide by contract for a delinquency charge that is subject to change, the seller shall disclose in the contract that the amount of the delinquency charge is subject to change under IC 24-4.5-1-106 or this section.**

(b) In the case of a consumer credit sale, refinancing, or consolidation that is made after June 30, 2019, the following:

(i) Five dollars ($5) on any installment or minimum payment due that is not paid in full not later than ten (10) days after its scheduled due date, if installments under the consumer credit sale, refinancing, or consolidation are due every fourteen (14) days or less. **The amount of five dollars ($5) in this clause is not subject to change under IC 24-4.5-1-106.**

~~(b)~~ **(ii)** Twenty-five dollars ($25) on any installment or minimum payment due that is not paid in full ~~within~~ **not later than** ten (10) days after its scheduled due date, if installments under the consumer credit sale, refinancing, or consolidation are due every fifteen (15) days or more. ~~or~~ **The amount of twenty-five dollars ($25) in this clause is not subject to change under IC 24-4.5-1-106.**

~~(c)~~ **(iii)** Twenty-five dollars ($25) on any installment or minimum payment due that is not paid in full ~~within~~ **not later than** ten (10) days after its scheduled due date, in the case of a consumer credit sale, refinancing, or consolidation that is payable in a single installment that is due at least thirty (30) days after the consumer credit sale, refinancing, or consolidation is made. **The amount of twenty-five dollars ($25) in this clause is not subject to change under IC 24-4.5-1-106.**

(2) A delinquency charge under this section may be collected only once on an installment however long it remains in default. A

delinquency charge on consumer credit sales made under a revolving charge account may be applied each month that the payment is less than the minimum required payment. A delinquency charge may be collected any time after it accrues. No delinquency charge may be collected if:

(a) the installment has been deferred and a deferral charge (IC 24-4.5-2-204) has been paid or incurred;

(b) a charge for a skip-a-payment service under IC 24-4.5-2-202(1)(f) has been paid or incurred, as provided in IC 24-4.5-2-202(1)(f)(iii); or

(c) a charge for an optional expedited payment service under IC 24-4.5-2-202(1)(g) has been paid or incurred, as provided in IC 24-4.5-2-202(1)(g)(v).

(3) A creditor may not, directly or indirectly, charge or collect a delinquency charge on a payment that:

(a) is paid ~~within~~ **not later than** ten (10) days after its scheduled due date; and

(b) is otherwise a full payment of the payment due for the applicable installment period;

if the only delinquency with respect to the consumer credit sale, refinancing, or consolidation is attributable to a delinquency charge assessed on an earlier installment.

(4) If two (2) or more installments, or parts of two (2) or more installments, of a precomputed consumer credit sale are in default for ten (10) days or more, the creditor may elect to convert the consumer credit sale from a precomputed consumer credit sale to a consumer credit sale in which the credit service charge is based on unpaid balances. A creditor that makes this election shall make a rebate under the provisions on rebates upon prepayment under IC 24-4.5-2-210 as of the maturity date of the first delinquent installment, and thereafter may make a credit service charge as authorized by the provisions on credit service charges for consumer credit sales under IC 24-4.5-2-201. The amount of the rebate shall not be reduced by the amount of any permitted minimum charge under IC 24-4.5-2-210. Any deferral charges made on installments due at or after the maturity date of the first delinquent installment shall be rebated, and no further deferral charges shall be made.

~~(5) If the parties provide by contract for a delinquency charge that is~~

~~subject to change, the seller shall disclose in the contract that the amount of the delinquency charge is subject to change as allowed by IC 24-4.5-1-106.~~

SECTION 6. IC 24-4.5-3-203.5, AS AMENDED BY P.L.280-2019, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019 (RETROACTIVE)]: Sec. 203.5. Delinquency Charges — (1) With respect to a consumer loan, refinancing, or consolidation, the parties may contract for a delinquency charge of not more than **the following:**

(a) Five dollars ($5) on any installment or minimum payment due that is not paid in full ~~within~~ **not later than** ten (10) days after its scheduled due date, **in the case of a consumer loan, refinancing, or consolidation that is made before July 1, 2019. The amount of five dollars ($5) in this subdivision is subject to change under IC 24-4.5-1-106. In addition, the parties may provide by contract for a delinquency charge that is subject to change. If the parties provide by contract for a delinquency charge that is subject to change, the lender shall disclose in the contract that the amount of the delinquency charge is subject to change under IC 24-4.5-1-106 or this section.**

(b) In the case of a consumer loan, refinancing, or consolidation that is made after June 30, 2019, the following:

(i) Five dollars ($5) on any installment or minimum payment due that is not paid in full not later than ten (10) days after its scheduled due date, if installments under the consumer loan, refinancing, or consolidation are due every fourteen (14) days or less. **The amount of five dollars ($5) in this clause is not subject to change under IC 24-4.5-1-106.**

~~(b)~~ **(ii)** Twenty-five dollars ($25) on any installment or minimum payment due that is not paid in full ~~within~~ **not later than** ten (10) days after its scheduled due date, if installments under the consumer loan, refinancing, or consolidation are due every fifteen (15) days or more. ~~or~~ **The amount of twenty-five dollars ($25) in this clause is not subject to change under IC 24-4.5-1-106.**

~~(c)~~ **(iii)** Twenty-five dollars ($25) on any installment or minimum payment due that is not paid in full ~~within~~ **not later**

than ten (10) days after its scheduled due date, in the case of a consumer loan, refinancing, or consolidation that is payable in a single installment that is due at least thirty (30) days after the consumer loan, refinancing, or consolidation is made. **The amount of twenty-five dollars ($25) in this clause is not subject to change under IC 24-4.5-1-106.**

(2) A delinquency charge under this section may be collected only once on an installment however long it remains in default. With regard to a delinquency charge on consumer loans made under a revolving loan account, the delinquency charge may be applied each month that the payment is less than the minimum required payment on the account. A delinquency charge may be collected any time after it accrues. A delinquency charge may not be collected if:

(a) the installment has been deferred and a deferral charge (IC 24-4.5-3-204) has been paid or incurred;

(b) a charge for a skip-a-payment service under IC 24-4.5-3-202(1)(i) has been paid or incurred, as provided in IC 24-4.5-3-202(1)(i)(iii); or

(c) a charge for an optional expedited payment service under IC 24-4.5-3-202(1)(j) has been paid or incurred, as provided in IC 24-4.5-3-202(1)(j)(v).

(3) A creditor may not, directly or indirectly, charge or collect a delinquency charge on a payment that:

(a) is paid ~~within~~ **not later than** ten (10) days after its scheduled due date; and

(b) is otherwise a full payment of the payment due for the applicable installment period;

if the only delinquency with respect to the consumer loan, refinancing, or consolidation is attributable to a delinquency charge assessed on an earlier installment.

(4) If two (2) or more installments, or parts of two (2) or more installments, of a precomputed loan are in default for ten (10) days or more, the lender may elect to convert the loan from a precomputed loan to a loan in which the finance charge is based on unpaid balances. A lender that makes this election shall make a rebate under the provisions on rebates upon prepayment (IC 24-4.5-3-210) as of the maturity date of the first delinquent installment, and thereafter may make a loan

finance charge as authorized by the provisions on loan finance charges for consumer loans (IC 24-4.5-3-201) or supervised loans (IC 24-4.5-3-508). The amount of the rebate shall not be reduced by the amount of any permitted minimum charge (IC 24-4.5-3-210). Any deferral charges made on installments due at or after the maturity date of the first delinquent installment shall be rebated, and no further deferral charges shall be made.

~~(5) If the parties provide by contract for a delinquency charge that is subject to change, the lender shall disclose in the contract that the amount of the delinquency charge is subject to change as allowed by IC 24-4.5-1-106.~~

SECTION 7. IC 24-4.5-3-503.3, AS AMENDED BY P.L.176-2019, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 503.3. (1) Each:

(a) creditor licensed by the department to engage in mortgage transactions; and

(b) person that is exempt (either under this article or under IC 24-4.4-1-202(b)(6)(a)) from licensing and that:

(i) employs a licensed mortgage loan originator; or

(ii) sponsors under an exclusive written agreement, as permitted by IC 24-4.4-1-202(b)(6)(a), a licensed mortgage loan originator as an independent agent;

must be covered by a surety bond in accordance with this section.

(2) A surety bond must:

(a) provide coverage for:

(i) a creditor described in subsection (1)(a); and

(ii) an exempt person described in subsection (1)(b);

in an amount as prescribed in subsection (4);

(b) be in a form as prescribed by the director;

(c) be in effect:

(i) during the term of the creditor's license; or

(ii) at any time during which the person exempt from licensing employs a licensed mortgage loan originator, or sponsors under an exclusive written agreement (as permitted by IC 24-4.4-1-202(b)(6)(a)) a licensed mortgage loan originator as an independent agent;

as applicable;

(d) **subject to subsection (3),** remain in effect during the two (2) years after:

(i) the **license of the** creditor ~~ceases offering financial services to individuals in Indiana;~~ **is surrendered or terminated;** or

(ii) the person exempt from licensing ceases to employ a licensed mortgage loan originator, or ceases to sponsor under an exclusive written agreement (as permitted by IC 24-4.4-1-202(b)(6)(a)) a licensed mortgage loan originator as an independent agent, or to offer financial services to individuals in Indiana, whichever is later;

as applicable;

(e) be payable to the department for the benefit of:

(i) the state; and

(ii) individuals who reside in Indiana when they agree to receive financial services from the creditor or the person exempt from licensing, as applicable;

(f) be issued by a bonding, surety, or insurance company authorized to do business in Indiana and rated at least "A-" by at least one (1) nationally recognized investment rating service; and

(g) have payment conditioned upon:

(i) the creditor's or any of the creditor's licensed mortgage loan originators'; or

(ii) the exempt person's or any of the exempt person's licensed mortgage loan originators';

noncompliance with or violation of this chapter, 750 IAC 9, or other federal or state laws or regulations applicable to mortgage lending.

(3) The director may adopt rules or guidance documents with respect to the requirements for surety bonds as necessary to accomplish the purposes of this article. **Upon written request from:**

(a) a creditor described in subsection (1)(a); or

(b) an exempt person described in subsection (1)(b);

the director may, at the discretion of the director, waive or shorten the two (2) year period set forth in subsection (2)(d) during which a surety bond required by this section must remain in effect after the occurrence of an event described in subsection (2)(d)(i) or (2)(d)(ii), as applicable.

(4) The penal sum of the surety bond shall be maintained in an amount that reflects the dollar amount of mortgage transactions originated as determined by the director. If the principal amount of a surety bond required under this section is reduced by payment of a claim or judgment, the creditor or exempt person for whom the bond is issued shall immediately notify the director of the reduction and, not later than thirty (30) days after notice by the director, file a new or an additional surety bond in an amount set by the director. The amount of the new or additional bond set by the director must be at least the amount of the bond before payment of the claim or judgment.

(5) If for any reason a surety terminates a bond issued under this section, the creditor or the exempt person shall immediately notify the department and file a new surety bond in an amount determined by the director.

(6) Cancellation of a surety bond issued under this section does not affect any liability incurred or accrued during the period when the surety bond was in effect.

(7) The director may obtain satisfaction from a surety bond issued under this section if the director incurs expenses, issues a final order, or recovers a final judgment under this chapter.

(8) Notices required under this section must be made in writing and submitted through the NMLSR or any other electronic registration system that may be approved by the director.

SECTION 8. IC 24-4.5-7-413, AS AMENDED BY P.L.216-2013, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 413. (1) A person engaged in making small loans under this chapter shall post a bond to the department in the amount of fifty thousand dollars ($50,000) for each location where small loans will be made, up to a maximum bond in an amount determined by the director.

(2) A surety bond issued under this section must:

(a) provide coverage for a lender engaged in making small loans under this chapter in an amount as prescribed in subsection (1);

(b) be in a form prescribed by the director;

(c) be in effect during the term of the lender's license under this chapter;

(d) **subject to subsection (3),** remain in effect during the two (2)

years after the ~~lender ceases offering financial services to individuals in Indiana;~~ **lender's license under this chapter is surrendered or terminated;**

(e) be payable to the department for the benefit of:

(i) the state; and

(ii) individuals who reside in Indiana when they agree to receive financial services from the lender;

(f) be issued by a bonding, surety, or insurance company authorized to do business in Indiana and rated at least "A-" by at least one (1) nationally recognized investment rating service; and

(g) have payment conditioned upon the lender's or any of the lender's employees' or agents' noncompliance with or violation of this article or other applicable federal or state laws or regulations.

(3) The director may adopt rules or guidance documents with respect to the requirements for a surety bond as necessary to accomplish the purposes of this chapter. **Upon written request from a lender, the director may, at the discretion of the director, waive or shorten the two (2) year period set forth in subsection (2)(d) during which a surety bond required by this section must remain in effect after the lender's license under this chapter is surrendered or terminated.**

(4) If the principal amount of a surety bond required under this section is reduced by payment of a claim or judgment, the lender for whom the bond is issued shall immediately notify the director of the reduction and, not later than thirty (30) days after notice by the director, file a new or an additional surety bond in an amount set by the director. The amount of the new or additional bond set by the director must be at least the amount of the bond before payment of the claim or judgment.

(5) If for any reason a surety terminates a bond issued under this section, the lender shall immediately notify the department and file a new surety bond in an amount as prescribed in subsection (1).

(6) Cancellation of a surety bond issued under this section does not affect any liability incurred or accrued during the period when the surety bond was in effect.

(7) The director may obtain satisfaction from a surety bond issued under this section if the director incurs expenses, issues a final order, or recovers a final judgment under this chapter.

(8) Notices required under this section must be in writing and

delivered by certified mail, return receipt requested and postage prepaid, or by overnight delivery using a nationally recognized carrier.

SECTION 9. IC 24-12-9-8, AS ADDED BY P.L.176-2019, SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 8. (a) If required by the department, each CPAP provider licensed by the department under this article must be covered by a surety bond in accordance with this section in an amount not to exceed fifty thousand dollars ($50,000).

(b) Any surety bond required under this section must:

(1) provide coverage for the CPAP provider in the amount set forth in subsection (d);

(2) be in a form prescribed by the director;

(3) be in effect during the term of the CPAP provider's license under this article;

(4) **subject to subsection (c),** remain in effect during the two (2) years after the **license of the** CPAP provider ~~ceases offering CPAP transactions to individuals in Indiana;~~ **is surrendered or terminated;**

(5) be payable to the department for the benefit of:

(A) the state; and

(B) individuals who reside in Indiana when they agree to enter into CPAP transactions with the CPAP provider;

(6) be issued by a bonding, surety, or insurance company authorized to do business in Indiana and rated at least "A-" by at least one (1) nationally recognized investment rating service; and

(7) have payment conditioned upon the CPAP provider's noncompliance with or violation of this chapter or other federal or state laws or regulations applicable to CPAP transactions.

(c) The director may adopt rules or guidance documents with respect to the requirements for a surety bond as necessary to accomplish the purposes of this article. **Upon written request from a CPAP provider, the director may, at the discretion of the director, waive or shorten the two (2) year period set forth in subsection (b)(4) during which a surety bond required by this section must remain in effect after the CPAP provider's license under this article is surrendered or terminated.**

(d) The penal sum of the surety bond shall be maintained in an

amount determined by the director. If the principal amount of a surety bond required under this section is reduced by payment of a claim or judgment, the CPAP provider for whom the bond is issued shall immediately notify the director of the reduction and, not later than thirty (30) days after notice by the director, file a new or an additional surety bond in an amount set by the director. The amount of the new or additional bond set by the director must be at least the amount of the bond before payment of the claim or judgment.

(e) If for any reason a surety terminates a bond issued under this section, the CPAP provider shall immediately notify the department and file a new surety bond in an amount determined by the director.

(f) Cancellation of a surety bond issued under this section does not affect any liability incurred or accrued during the period when the surety bond was in effect.

(g) The director may obtain satisfaction from a surety bond issued under this section if the director incurs expenses, issues a final order, or recovers a final judgment under this chapter.

(h) Notices required under this section must be made in writing and submitted through the NMLSR or any other electronic registration system that may be approved by the director.

SECTION 10. IC 28-1-29-6, AS AMENDED BY P.L.176-2019, SECTION 57, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 6. (a) Each application for a license must be accompanied by proof that the applicant has executed a surety bond in accordance with this section.

(b) A surety bond issued under this section must:

(1) be in a form prescribed by the director;

(2) be in effect during the term of the license issued under this chapter;

(3) **subject to subsection (c),** remain in effect during the two (2) years after the **license of the** licensee ~~ceases offering debt management services to individuals in Indiana;~~ **is surrendered or terminated;**

(4) be payable to the department for the benefit of:

(A) the state; and

(B) individuals who reside in Indiana when they agree to receive debt management services from the licensee;

(5) be in an amount equal to:

(A) fifty thousand dollars ($50,000), in the case of an initial surety bond issued under this section; or

(B) the amount prescribed under subsection (d), beginning with the first renewal of a license under this chapter;

(6) be issued by a bonding, surety, or insurance company authorized to do business in Indiana and rated at least "A-" by at least one (1) nationally recognized investment rating service; and

(7) have payment conditioned upon the licensee's or any of the licensee's employees' or agents' noncompliance with or violation of this chapter or other applicable federal or state laws or regulations.

(c) The director may adopt rules or guidance documents with respect to the requirements for a surety bond as necessary to accomplish the purposes of this chapter. **Upon written request from a licensee, the director may, at the discretion of the director, waive or shorten the two (2) year period set forth in subsection (b)(3) during which a surety bond required by this section must remain in effect after the licensee's license is surrendered or terminated.**

(d) Beginning with the first renewal of a license under this chapter, each year that a licensee continues to offer debt management services to individuals in Indiana, the licensee shall file a new or an additional surety bond in an amount that ensures that the licensee's surety bond under this section is equal to the greater of the following:

(1) fifty thousand dollars ($50,000); or

(2) the average of the highest daily balance of funds held in trust for Indiana residents for each month during the licensee's most recently concluded fiscal year, not to exceed one hundred thousand dollars ($100,000).

(e) If the principal amount of a surety bond required under this section is reduced by payment of a claim or judgment, the licensee for whom the bond is issued shall immediately notify the director of the reduction and, not later than thirty (30) days after notice by the director, file a new or an additional surety bond in an amount set by the director. The amount of the new or additional bond set by the director must be at least the amount of the bond before payment of the claim or judgment.

(f) If for any reason a surety terminates a bond issued under this

section, the licensee shall immediately notify the department and file a new surety bond in an amount as prescribed in subsection (b)(5).

(g) Cancellation of a surety bond issued under this section does not affect any liability incurred or accrued during the period when the surety bond was in effect.

(h) The director may obtain satisfaction from a surety bond issued under this section if the director incurs expenses, issues a final order, or recovers a final judgment under this chapter.

(i) Notices required under this section must be made in writing and submitted through the NMLSR or any other electronic registration system that may be approved by the director.

SECTION 11. IC 28-7-1-0.5, AS AMENDED BY P.L.137-2014, SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 0.5. The following definitions apply throughout this chapter:

(1) "Automated teller machine" (ATM) means a piece of unmanned electronic or mechanical equipment that performs routine financial transactions for authorized individuals.

(2) "Branch" office" means an office, agency, or other place of business at which deposits are received, share drafts are paid, or money is lent to members of a credit union. The term does not include:

(A) the principal office of a credit union;

(B) the principal office of a credit union affiliate;

(C) a branch office of a credit union affiliate;

(D) an automated teller machine; or

(E) a night depository.

(3) "Credit union" is a cooperative, nonprofit association, incorporated under this chapter, for the purposes of educating its members in the concepts of thrift and to encourage savings among its members. A credit union should provide a source of credit at a fair and reasonable rate of interest and provide an opportunity for its members to use and control their own money in order to improve their economic and social condition.

(4) "Department" refers to the department of financial institutions.

(5) "Surplus" means the credit balance of undivided earnings after losses. The term does not include statutory reserves.

(6) "Unimpaired shares" means paid in shares less any losses for which no reserve exists and for which there is no charge against undivided earnings.

(7) "Related credit union service organization" means, in reference to a credit union, a credit union service organization (as defined and formed under Part 712 of the regulations of the National Credit Union Administration, 12 CFR 712) in which the credit union has invested under section 9(a)(4) of this chapter.

(8) "Premises" means any office, branch, ~~office,~~ suboffice, service center, parking lot, real estate, or other facility where the credit union transacts or will transact business.

(9) "Furniture, fixtures, and equipment" means office furnishings, office machines, computer hardware, computer software, automated terminals, and heating and cooling equipment.

(10) "Fixed assets" means:

(A) premises; and

(B) furniture, fixtures, and equipment.

(11) "Audit period" means a twelve (12) month period designated by the board of directors of a credit union.

(12) "Community" means:

(A) a second class city;

(B) a third class city;

(C) a town;

(D) a county other than a county containing a consolidated city;

(E) a census tract;

(F) a township; or

(G) any other municipal corporation (as defined in IC 36-1-2-10).

(13) "Control of a related interest" refers to a situation in which an individual directly or indirectly, or through or in concert with one (1) or more other individuals, possesses any of the following:

(A) The ownership of, control of, or power to vote at least twenty-five percent (25%) of any class of voting securities of the related interest.

(B) The control in any manner of the election of a majority of the directors of the related interest.

(C) The power to exercise a controlling influence over the

management or policies of the related interest. For purposes of this clause, an individual is presumed to have control, including the power to exercise a controlling influence over the management or policies of a related interest, if the individual:

(i) is an executive officer or a director of the related interest and directly or indirectly owns, controls, or has the power to vote more than ten percent (10%) of any class of voting securities of the related interest; or

(ii) directly or indirectly owns, controls, or has the power to vote more than ten percent (10%) of any class of voting securities of the related interest and no other person owns, controls, or has the power to vote a greater percentage of that class of voting securities.

(14) "Executive officer" includes any of the following officers of a credit union:

(A) The chairman of the board of directors.

(B) The president.

(C) A vice president.

(D) The cashier.

(E) The secretary.

(F) The treasurer.

(15) "Immediate family", for purposes of ~~sections 17.1 and~~ **section** 17.2 of this chapter, means the spouse of an individual, the individual's minor children, and any of the individual's children, including adults, residing in the individual's home.

(16) "Officer" means any individual who is not solely a director or committee member and participates or has the authority to participate in major policymaking functions of a credit union, regardless of whether:

(A) the individual has an official title;

(B) the individual's title designates the individual as an assistant; or

(C) the individual is serving without salary or other compensation.

(17) "Related interest", with respect to an individual, means:

(A) a partnership, a corporation, or another business organization that is controlled by the individual; or

(B) a political campaign committee:

(i) controlled by the individual; or

(ii) the funds or services of which benefit the individual.

(18) Except as provided in section 9(a)(4) of this chapter, "capital and surplus" means the sum of:

(A) undivided profits;

(B) reserve for contingencies;

(C) regular reserve; and

(D) allowance for loan and lease losses.

SECTION 12. IC 28-7-1-9, AS AMENDED BY P.L.69-2018, SECTION 53, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 9. (a) A credit union has the following powers:

(1) To issue shares of its capital stock to its members. No commission or compensation shall be paid for securing members or for the sale of shares.

(2) To ~~make~~ ~~loans~~ **extend credit** to officers, directors, or committee members under ~~sections~~ ~~17.1~~ ~~and~~ **section** 17.2 of this chapter.

(3) To invest in any of the following:

(A) Bonds, notes, or certificates that are the direct or indirect obligations of the United States, or of the state, or the direct obligations of a county, township, city, town, or other taxing district or municipality or instrumentality of Indiana and that are not in default.

(B) Bonds or debentures issued by the Federal Home Loan Bank Act (12 U.S.C. 1421 through 1449) or the Home Owners' Loan Act (12 U.S.C. 1461 through 1468).

(C) Obligations of national mortgage associations issued under the authority of the National Housing Act.

(D) Mortgages on real estate situated in Indiana which are fully insured under Title 2 of the National Housing Act (12 U.S.C. 1707 through 1715z).

(E) Obligations issued by farm credit banks and banks for cooperatives under the Farm Credit Act of 1971 (12 U.S.C. 2001 through 2279aa-14).

(F) Savings and loan associations, other credit unions that are

insured under section 31.5 of this chapter, and certificates of indebtedness or investment of an industrial loan and investment company if the association or company is federally insured. Not more than twenty percent (20%) of the assets of a credit union may be invested in the shares or certificates of an association or company, nor more than forty percent (40%) in all such associations and companies.

(G) Corporate credit unions.

(H) Federal funds or similar types of daily funds transactions with other financial institutions.

(I) Shares or certificates of an open-end management investment company registered with the Securities and Exchange Commission under the Investment Company Act of 1940 (15 U.S.C. 80a-1 through 15 U.S.C. 80a-3 and 15 U.S.C. 80a-4 through 15 U.S.C. 80a-64), if all of the following conditions are met:

(i) The fund's assets consist of and are limited to securities in which a credit union may invest directly.

(ii) The credit union has an equitable and undivided interest in the underlying assets of the fund.

(iii) The credit union is not liable for acts or obligations of the fund.

(iv) The credit union's investment in any one (1) fund does not exceed fifteen percent (15%) of the amount of the credit union's net worth.

(J) For a credit union that is well capitalized (as defined in Part 702 of the Rules and Regulations of the National Credit Union Administration, 12 CFR 702), investment securities, as may be defined by a statute or a policy or rule of the department and subject to the following:

(i) The department may prescribe, by policy or rule, limitations or restrictions on a credit union's investment in investment securities.

(ii) The total aggregate amount of investment securities purchased or held by a credit union may never exceed at any given time ten percent (10%) of the capital and surplus of the credit union. However, the limitations imposed by this item

do not apply to investments in the direct or indirect obligations of the United States or in the direct obligations of a United States territory or insular possession, or in the direct obligations of the state or any municipal corporation or taxing district in Indiana.

(iii) A credit union may not purchase for its own account any bond, note, or other evidence of indebtedness that is commonly designated as a security that is speculative in character or that has speculative characteristics. For the purposes of this item, a security is speculative or has speculative characteristics if at the time of purchase the security is in default, is rated below the first four (4) rating classes by a generally recognized security rating service, or is otherwise considered speculative by the director.

(iv) A credit union may purchase for its own account a security that is not rated by a generally recognized security rating service if the credit union at the time of purchase obtains financial information that is adequate to document the investment quality of the security and if the security is not otherwise considered speculative by the director.

(v) A credit union that purchases a security for its own account shall maintain sufficient records of the security to allow the security to be properly identified by the department for examination purposes.

(vi) Except as otherwise authorized by this title, a credit union may not acquire for its own account, whether by purchase or otherwise, any share of stock of a corporation that is not a subsidiary of that credit union unless the acquisition is considered expedient to prevent loss from a debt previously contracted in good faith. Any shares of stock or other ownership interest in a corporation or another entity thus acquired by a credit union and that would not have been eligible for acquisition shall be sold and disposed of within six (6) months from the date of acquisition unless the director grants an extension of time for the sale and disposition.

(vii) Subject to items (i) through (iv), a credit union may

purchase yankee dollar deposits, eurodollar deposits, banker's acceptances, deposit notes, bank notes with original weighted average maturities of less than five (5) years, and investments in obligations of, or issued by, any state or political subdivision (including any agency, corporation, or instrumentality of a state or political subdivision).

(K) Collateralized obligations that are eligible for purchase and sale by federal credit unions. However, a credit union may purchase for its own account and sell the obligations only to the extent that a federal credit union can purchase and sell those obligations.

(4) With the prior approval of the department, and subject to the limitations of this subsection, a credit union may organize, invest in, or loan money to a credit union service organization (as defined in Part 712 of the regulations of the National Credit Union Administration, 12 CFR 712). A credit union may not loan or invest in a credit union service organization if the aggregate amount of all such loans or investments in a particular credit union service organization is greater than ten percent (10%) of the capital, surplus, and unimpaired shares of the credit union without the prior written approval of the department. A credit union may organize, invest in, or loan money to a credit union service organization described in this subdivision only if the following requirements are met:

(A) The credit union service organization is adequately capitalized or has a reasonable plan for adequate capitalization if the credit union service organization is to be formed or is newly formed.

(B) The credit union service organization is structured and operated as a separate legal entity from the credit union.

(C) The credit union obtains a written legal opinion that the credit union service organization is structured and operated in a manner that limits the credit union's potential liability for the debts and liabilities of the credit union service organization to not more than the loss of money invested in or loaned to the credit union service organization by the credit union.

(D) The credit union service organization agrees in writing to

prepare financial statements and provide the financial statements to the credit union at least quarterly, and to the department upon request.

(E) The credit union service organization agrees in writing to obtain an audit of the credit union service organization from a certified public accountant at least annually and provide a copy of each audit report to the credit union, and to the department upon request. A wholly owned credit union service organization is not required to obtain a separate annual audit if the credit union service organization is included in the annual consolidated audit of the credit union that is the credit union service organization's parent.

(F) The credit union service organization operates in compliance with all applicable federal and state laws.

(5) To deposit its funds into:

(A) depository institutions that are federally insured; or

(B) state chartered credit unions that are privately insured by an insurer approved by the department.

(6) To purchase, hold, own, or convey real estate as may be conveyed to the credit union in satisfaction of debts previously contracted or in exchange for real estate conveyed to the credit union.

(7) To own, hold, or convey real estate as may be purchased by the credit union upon judgment in its favor or decrees of foreclosure upon mortgages.

(8) To issue shares of stock and upon the terms, conditions, limitations, and restrictions and with the relative rights as may be stated in the bylaws of the credit union, but no stock may have preference or priority over the other to share in the assets of the credit union upon liquidation or dissolution or for the payment of dividends except as to the amount of the dividends and the time for the payment of the dividends as provided in the bylaws.

(9) To charge the member's share account for the actual cost of a necessary locator service when the member has failed to keep the credit union informed about the member's current address. The charge shall be made only for amounts paid to a person or concern normally engaged in providing such service, and shall be made

against the account or accounts of any one (1) member not more than once in any twelve (12) month period.

(10) To transfer to an accounts payable account, a dormant account, or a special account share accounts which have been inactive, except for dividend credits, for a period of at least two (2) years. The credit union shall not consider the payment of dividends on the transferred account.

(11) To invest in fixed assets with the funds of the credit union. An investment in fixed assets in excess of five percent (5%) of its assets is subject to the approval of the department. A credit union may rent excess space at the credit union's main office or branch as a source of income.

(12) To establish branch offices upon:

(A) approval of the department; or

(B) meeting the department's established criteria to be exempt from the department's approval;

provided that all books of account shall be maintained at the principal office.

(13) To pay an interest refund on loans proportionate to the interest paid during the dividend period by borrowers who are members at the end of the dividend period.

(14) To purchase life savings and loan protection insurance for the benefit of the credit union and its members, if:

(A) the coverage is placed with an insurance company licensed to do business in Indiana; and

(B) no officer, director, or employee of the credit union personally benefits, directly or indirectly, from the sale or purchase of the coverage.

(15) To sell and cash negotiable checks, travelers checks, and money orders for members.

(16) To purchase members' notes from any liquidating credit union, with written approval from the department, at prices agreed upon by the boards of directors of both the liquidating and the purchasing credit unions. However, the aggregate of the unpaid balances of all notes of liquidating credit unions purchased by any one (1) credit union shall not exceed ten percent (10%) of the purchasing credit union's capital and surplus unless special written

authorization has been granted by the department.

(17) To exercise such incidental powers necessary or requisite to enable it to carry on effectively the business for which it is incorporated.

(18) To act as a custodian or trustee of any trust created or organized in the United States and forming part of a tax advantaged savings plan which qualifies or qualified for specific tax treatment under Section 223, 401(d), 408, 408A, or 530 of the Internal Revenue Code, if the funds of the trust are invested only in share accounts or insured certificates of the credit union.

(19) To issue shares or insured certificates to a trustee or custodian of a pension plan, profit sharing plan, or stock bonus plan which qualifies for specific tax treatment under Sections 401(d) or 408(a) of the Internal Revenue Code.

(20) To exercise any rights and privileges that are:

(A) granted to federal credit unions; but

(B) not authorized for credit unions under the Indiana Code (except for this section) or any rule adopted under the Indiana Code;

if the credit union complies with section 9.2 of this chapter.

(21) To sell, pledge, or discount any of its assets. However, a credit union may not pledge any of its assets as security for the safekeeping and prompt payment of any money deposited, except that a credit union may, for the safekeeping and prompt payment of money deposited, give security as authorized by federal law.

(22) To purchase assets of a corporation (as defined in IC 28-1-8-0.5) and to assume the liabilities of the corporation, or to sell, lease, exchange, or otherwise dispose of all or substantially all of the credit union's property and assets to a corporation, if:

(A) the credit union complies with IC 28-1-8; and

(B) the transaction is authorized in accordance with IC 28-1-8-4.

(23) To act as a fiscal agent of the United States and to receive deposits from nonmember units of the federal, state, or county governments, from political subdivisions, and from other credit unions upon which the credit union may pay varying interest rates at varying maturities subject to terms, rates, and conditions that

are established by the board of directors. However, the total amount of public funds received from units of state and county governments and political subdivisions that a credit union may have on deposit may not exceed twenty percent (20%) of the total assets of that credit union, excluding those public funds.

(24) To join the National Credit Union Administration Central Liquidity Facility.

(25) To participate in community investment initiatives under the administration of organizations:

(A) exempt from taxation under Section 501(c)(3) of the Internal Revenue Code; and

(B) located or conducting activities in communities in which the credit union does business.

Participation may be in the form of either charitable contributions or participation loans. In either case, disbursement of funds through the administering organization is not required to be limited to members of the credit union. Total contributions or participation loans may not exceed one-tenth of one percent (0.1%) of total assets of the credit union. A recipient of a contribution or loan is not considered qualified for credit union membership. A contribution or participation loan made under this subdivision must be approved by the board of directors.

(26) To establish and operate an automated teller machine (ATM):

(A) at any location within Indiana; or

(B) as permitted by the laws of the state in which the automated teller machine is to be located.

(27) To demand and receive, for the faithful performance and discharge of services performed under the powers vested in the credit union by this article:

(A) reasonable compensation, or compensation as fixed by agreement of the parties;

(B) all advances necessarily paid out and expended in the discharge and performance of its duties; and

(C) unless otherwise agreed upon, interest at the legal rate on the advances referred to in clause (B).

(28) Subject to any restrictions the department may impose, to become the owner or lessor of personal property acquired upon the

request and for the use of a member and to incur additional obligations as may be incident to becoming an owner or lessor of such property.

(b) A credit union shall maintain files containing credit and other information adequate to demonstrate evidence of prudent business judgment in exercising the investment powers granted under this chapter or by rule, order, or declaratory ruling of the department.

(c) Subject to any limitations or restrictions that the department or a federal regulator may impose by regulation, rule, policy, or guidance, a credit union may purchase and hold life insurance as follows:

(1) Life insurance purchased or held in connection with employee compensation or benefit plans approved by the credit union's board of directors.

(2) Life insurance purchased or held to recover the cost of providing preretirement or postretirement employee benefits approved by the credit union's board of directors.

(3) Life insurance on the lives of borrowers.

(4) Life insurance held as security for a loan.

(5) Life insurance that a federal credit union may purchase or hold under 12 CFR 701.19(c).

SECTION 13. IC 28-7-1-17, AS AMENDED BY P.L.176-2019, SECTION 59, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 17. (a) Every loan application shall be submitted on a form approved by the credit union. Loans may be disbursed upon written approval by a majority of the credit committee or a loan officer. If the credit committee or loan officer fails to approve an application for a loan, the applicant may appeal to the board of directors, if such appeal is authorized by the bylaws.

(b) Loans to members may be made only under the following terms and conditions:

(1) All loans shall be evidenced by notes signed by the borrowing member.

(2) Except as otherwise provided in this section, the terms of any loan to a member with a maturity of more than six (6) months shall provide for principal and interest payments that will amortize the obligation in full within the terms of the loan contract. If the income of the borrowing member is seasonal, the terms of the loan

contract may provide for seasonal amortization.

(3) Loans may be made upon the security of improved or unimproved real estate. Except as otherwise specified in this section, such loans must be secured by a first lien upon real estate prior to all other liens, except for taxes and assessments not delinquent, and may be made with repayment terms other than as provided in subdivision (2). The credit union loan folder for all real estate mortgage loans shall include the following:

(A) The loan application.

(B) The mortgage instrument.

(C) The note.

(D) The disclosure statement.

(E) The documentation of property insurance.

(F) For the real estate for which the loan is made:

(i) a written appraisal; ~~which must be performed by a state licensed or certified appraiser designated by the board of directors if the amount of the loan is at least two hundred fifty thousand dollars ($250,000).~~ **or**

(ii) a written estimate of market value;

consistent with the appraisal standards and transaction value limitations set forth in the appraisal regulations of the National Credit Union Administration (12 CFR 722).

(4) Loans made upon security of real estate are subject to the following restrictions:

(A) Real estate loans in which no principal amortization is required shall provide for the payment of interest at least annually and shall mature within five (5) years of the date of the loan unless extended and shall not exceed fifty percent (50%) of the fair cash value of the real estate used as security.

(B) Real estate loans on improved real estate, except for variable rate mortgage loans and rollover mortgage loans provided for in subdivision (5), shall require substantially equal payments at successive intervals of not more than one (1) year, shall mature within thirty (30) years, and shall not exceed one hundred percent (100%) of the fair cash value of the real estate used as security.

(C) Loans primarily secured by a mortgage which constitutes

a second lien on improved real estate may be made only if the aggregate amount of all loans on the real estate does not exceed one hundred percent (100%) of the fair cash value of the real estate after such loan is made. Repayment terms shall be in accordance with subdivision (2).

(D) Real estate loans may be made for the construction of improvements to real property. Funds borrowed may be advanced as work on the improvements progresses. Repayment terms must comply with subdivision (2).

(5) Subject to the limitations of subdivision (3), variable rate mortgage loans and rollover mortgage loans may be made under the same limitations and rights provided state chartered savings associations under IC 28-1-21.5 (before its repeal) or IC 28-15 or federal credit unions.

(6) As used in this subdivision, "originating lender" means the participating lender with which the member contracts. A credit union may participate with other state and federal depository financial institutions (as defined in IC 28-1-1-6) or credit union service organizations in making loans to credit union members and may sell a participating interest in any of its loans under written participation loan policies established by the board of directors. However, the credit union may not sell more than ninety percent (90%) of the principal of participating loans outstanding at the time of sale. A participating credit union that is not the originating lender may participate only in loans made to the credit union's own members or to members of another participating state or federal credit union. A master participation agreement must be properly executed. The agreement must include provisions for identifying, either through documents incorporated by reference or directly in the agreement, the participation loan or loans before the sale of the loans.

(7) As an alternative to making any loan authorized by and under the conditions set forth in subdivisions (1) through (6), a credit union may make any of the following:

(A) Any loan that may be made by a federal credit union. However, IC 24-4.5 applies to any loan that is:

(i) made under this clause; and

(ii) within the scope of IC 24-4.5.

Any provision of federal law that is in conflict with IC 24-4.5 does not apply to a loan made under this clause.

(B) Subject to subdivision (3), any alternative mortgage loan (as defined in IC 28-15-11-2) that may be made by a savings association (as defined in IC 28-15-1-11) under IC 28-15-11. A loan made under this clause by a credit union is subject to the same terms, conditions, exceptions, and limitations that apply to an alternative mortgage loan made by a savings association under IC 28-15-11.

(8) A credit union may make a loan under either:

(A) subdivisions (2) through (6); or

(B) subdivision (7);

but not both. A credit union shall make an initial determination as to whether to make a loan under subdivisions (2) through (6) or under subdivision (7). If the credit union determines that a loan or category of loans is to be made under subdivision (7), the written loan policies of the credit union must include that determination. A credit union may not combine the terms and conditions that apply to a loan made under subdivisions (2) through (6) with the terms and conditions that apply to a loan made under subdivision (7) to make a loan not expressly described and authorized either under subdivisions (2) through (6) or under subdivision (7).

(c) Nothing in this section prevents any credit union from taking an indemnifying or second mortgage on real estate as additional security.

SECTION 14. IC 28-7-1-17.1 IS REPEALED [EFFECTIVE JULY 1, 2020]. ~~Sec. 17.1. (a) A credit union may make a loan to the credit union's individual directors and committee members under the following terms and conditions:~~

~~(1) The loan must comply with all requirements under this chapter that apply to loans made to other borrowers.~~

~~(2) The loan may not be on terms more favorable than those extended to other borrowers.~~

~~(3) The borrower may not:~~

~~(A) take part in the consideration of; or~~

~~(B) vote on;~~

~~the borrower's loan application.~~

~~(4) Except as provided in subsection (b), a credit union may not make a loan under this section to an individual, the individual's immediate family, or the individual's related interests if the amount of the loan, either by itself or when added to the amounts of all other loans made under this section to the individual, the individual's immediate family, or the individual's related interests, exceeds the greater of:~~

~~(A) five percent (5%) of the credit union's capital and surplus; or~~

~~(B) twenty-five thousand dollars ($25,000);~~

~~unless the loan is first approved by the credit union's board of directors.~~

~~(5) A credit union may not make a loan under this section to an individual, the individual's immediate family, or the individual's related interests if the amount of the loan, either by itself or when added to the amounts of all other loans made under this section to the individual, the individual's immediate family, or the individual's related interests, exceeds the lending limits set forth in IC 28-7-1-39.~~

~~(6) The total amount of all loans made under this section may not exceed the credit union's capital and surplus. However, the limit set forth in this subdivision does not apply to either of the following:~~

~~(A) A loan, in any amount, secured by a perfected security interest in bonds, notes, certificates of indebtedness, or treasury bills of the United States or in other obligations fully guaranteed as to principal and interest by the United States.~~

~~(B) A loan, in any amount, secured by a perfected security interest in a segregated deposit account in the lending credit union.~~

~~(b) Approval by the board of directors under subsection (a)(4) is not required for an extension of credit made under a line of credit approved under subsection (a)(4) if the extension of credit is made not later than fourteen (14) months after the line of credit was approved.~~

~~(c) The department may apply the provisions of 12 CFR 215 (Regulation O) in applying and administering this section.~~

~~(d) If a loan made to or cosigned, endorsed, or guaranteed by a~~

~~director or a member of the supervisory, credit, or other committee is more than three (3) months delinquent, the individual:~~

~~(1) is automatically removed from the individual's position as director or committee member; and~~

~~(2) is ineligible to serve as a director or committee member for two (2) years.~~

~~The director may waive the application of this subsection if the director determines that it is in the best interests of the credit union.~~

SECTION 15. IC 28-7-1-17.2, AS AMENDED BY P.L.40-2016, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 17.2. (a) A credit union may ~~make a loan~~ **extend credit** to: ~~the credit union's individual officers under the following terms and conditions:~~

~~(1) The loan must comply with all requirements under this chapter that apply to loans made to other borrowers.~~

~~(2) The loan may not be on terms more favorable than those extended to other borrowers unless the loan is made in connection with a benefit or compensation plan that:~~

~~(A) is widely available to employees of the credit union; and~~

~~(B) does not give preference to any officers of the credit union over other employees of the credit union.~~

~~(3) The loan must be promptly reported to the credit union's board of directors.~~

~~(4) A loan to the officer, the officer's immediate family, or the officer's related interests either by itself or when added to the amounts of all other loans made under this section to the officer, the officer's immediate family, or the officer's related interests, for any purpose, must be made~~

(1) an officer, an officer's immediate family member, or an officer's related interests;

(2) a director, a director's immediate family member, or a director's related interests; or

(3) a supervisory committee member, a supervisory committee member's immediate family member, or a supervisory committee member's related interests;

in accordance with **the definitions, restrictions, and provisions of Regulation O of the Board of Governors of the Federal Reserve**

System (12 CFR ~~215.5 (Regulation O).~~ **215). Restrictions on extensions of credit to supervisory committee members, and to the immediate family members or related interests of supervisory committee members, shall be treated consistently with restrictions on extensions of credit to directors as imposed by Regulation O. For purposes of applying Regulation O to an extension of credit made by a credit union under this section, the term "unimpaired capital and unimpaired surplus", as used in Regulation O, is considered to mean "capital and surplus" (as defined in section 0.5(18) of this chapter).**

~~(b) A credit union may not make a loan under this section to an officer, the officer's immediate family, or the officer's related interests if the amount of the loan, either by itself or when added to the amounts of all other loans made under this section to the officer, the officer's immediate family, or the officer's related interests, exceeds the lending limits set forth in IC 28-7-1-39.~~

~~(c)~~ **(b) If an extension of credit made to or cosigned, endorsed, or guaranteed by a director or a member of the supervisory, credit, or other committee is more than three (3) months delinquent, the individual:**

(1) is automatically removed from the individual's position as director or committee member; and

(2) is ineligible to serve as a director or committee member for two (2) years.

The **director of the** department may ~~apply the provisions of 12 CFR 215 (Regulation O) in applying and administering this section.~~ **waive the application of this subsection if the director determines that a waiver is in the best interests of the credit union.**

SECTION 16. IC 28-7-5-5.5, AS ADDED BY P.L.216-2013, SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 5.5. (a) Each person engaged in the business of pawnbroking in Indiana must be covered by a surety bond in accordance with this section. The initial application and any renewal application for licensure under this chapter must be accompanied by proof that the applicant has executed a bond in accordance with this section.

(b) A surety bond issued under this section must:

(1) provide coverage for the licensee and the licensee's employees and agents in an amount determined by the director;

(2) be in a form prescribed by the director;

(3) be in effect during the term of the license issued under this chapter;

(4) **subject to subsection (c),** remain in effect during the two (2) years after the **license of the** licensee ~~ceases offering pawnbroking services to individuals in Indiana;~~ **is surrendered or terminated;**

(5) be payable to the department for the benefit of:

(A) the state; and

(B) individuals who reside in Indiana when they agree to receive pawnbroking services from the licensee;

(6) be issued by a bonding, surety, or insurance company authorized to do business in Indiana and rated at least "A-" by at least one (1) nationally recognized investment rating service; and

(7) have payment conditioned upon the licensee's or any of the licensee's employees' or agents' noncompliance with or violation of this chapter or other applicable federal or state laws or regulations.

(c) The director may adopt rules or guidance documents with respect to the requirements for a surety bond as necessary to accomplish the purposes of this chapter. **Upon written request from a licensee, the director may, at the discretion of the director, waive or shorten the two (2) year period set forth in subsection (b)(4) during which a surety bond required by this section must remain in effect after the licensee's license is surrendered or terminated.**

(d) If the principal amount of a surety bond required under this section is reduced by payment of a claim or judgment, the licensee for whom the bond is issued shall immediately notify the director of the reduction and, not later than thirty (30) days after notice by the director, file a new or an additional surety bond in an amount set by the director. The amount of the new or additional bond set by the director must be at least the amount of the bond before payment of the claim or judgment.

(e) If for any reason a surety terminates a bond issued under this section, the licensee shall immediately notify the department and file a new surety bond in an amount determined by the director.

(f) Cancellation of a surety bond issued under this section does not

affect any liability incurred or accrued during the period when the surety bond was in effect.

(g) The director may obtain satisfaction from a surety bond issued under this section if the director incurs expenses, issues a final order, or recovers a final judgment under this chapter.

(h) Notices required under this section must be in writing and delivered by certified mail, return receipt requested and postage prepaid, or by overnight delivery using a nationally recognized carrier.

SECTION 17. IC 28-7-5-10, AS AMENDED BY P.L.57-2006, SECTION 42, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 10. **(a)** Whenever a licensee:

~~(1) changes its place of business to another location; or~~

~~(2) adds one (1) or more business locations;~~

(1) closes an existing branch; or

(2) intends to open a new branch or relocate an existing branch;

the licensee shall give written notice to the department. **A licensee shall give written notice to the department of the closing of an existing branch under subdivision (1) not later than thirty (30) days after the date of the closing of the branch.** Not later than thirty (30) days before the **intended** relocation or addition of one (1) or more ~~business locations~~ **branches** under ~~this section,~~ **subdivision (2),** the licensee **shall provide to the department the written notice of its intention required by this section and** shall request approval in a form prescribed by the director to add or ~~change~~ **relocate** one (1) or more ~~business locations.~~ **branches.**

(b) A person that is licensed under this chapter, or a person that seeks a license or a renewal of a license under this chapter, in accordance with sections 4, 5, and 8 of this chapter, shall notify the department not later than thirty (30) days after any of the following occurs:

(1) The person has a change in name, address, or principals.

(2) The person files for bankruptcy or reorganization.

(4) The person is notified by a state or governmental authority that the person is subject to revocation or suspension proceedings with respect to the person's activities related to the business of pawnbroking or the provision of

other similar services.

(5) An individual described in section 8(a)(2) or 8(a)(3) of this chapter has been convicted of a felony involving fraud, deceit, or misrepresentation under the laws of Indiana or any other jurisdiction.

SECTION 18. IC 28-7-5-20 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 20. The pawnbroker shall at the time of making a loan or purchase require the signature and right thumbprint of the pledger on all pawn tickets, bills of sale, or ledger cards retained by the licensee. If the person is unable to write, the person shall sign by mark. In such event, the pawnbroker shall record on the signature card such information as will enable the pawnbroker to identify the person in case of the loss of the ticket. If the person does not have a right thumb, any other existing finger may be used. However, a clear print must be obtained. **A pawnbroker that maintains an electronic record of a thumbprint obtained under this section satisfies the record keeping requirement of this section if the electronic record is capable of being reproduced.**

SECTION 19. IC 28-8-4-15, AS AMENDED BY P.L.57-2006, SECTION 53, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 15. (a) As used in this chapter, "payment instrument" means:

(1) a check;

(2) a draft;

(3) a money order;

(4) a traveler's check;

(5) a stored value card **or stored value account,** other than a closed system stored value card; or

(6) an instrument or written order for the transmission or payment of money;

sold or issued to one (1) or more persons, whether such instrument is negotiable.

(b) As used in this chapter, "payment instrument" does not include:

(1) a credit card voucher;

(2) a letter of credit;

(3) an instrument that is redeemable by the issuer in goods or services; or

(4) a closed system stored value card.

SECTION 20. IC 28-8-4-19.5, AS ADDED BY P.L.57-2006, SECTION 54, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 19.5. As used in this chapter, **"stored value account" or** "stored value card" means ~~a~~ **any account,** card, or device that:

(1) may be used by a holder to:

(A) perform financial transactions; or

(B) obtain, purchase, or receive money, goods, or services;

in an amount or having a value that does not exceed the dollar value of the **account,** card, **or device;** and

(2) **either:**

(A) in the case of a card or similar device, has a magnetic stripe or computer chip that enables dollar values to be electronically added to or deducted from the dollar value of the card; **or**

(B) in the case of an account, uses an account number unique to the holder for the purposes set forth in subsection (1).

SECTION 21. IC 28-8-4-27, AS AMENDED BY P.L.176-2019, SECTION 62, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 27. (a) An application for licensure under this chapter must be accompanied by a surety bond in accordance with this section.

(b) The surety bond required under subsection (a) must:

(1) be in the amount of three hundred thousand dollars ($300,000);

(2) be in a form acceptable to the director;

(3) be in effect during the term of the license issued under this chapter;

(4) **subject to subsection (c),** remain in effect during the five (5) years after the **license of the** licensee ~~ceases offering money transmission services in Indiana;~~ **is surrendered or terminated;**

(5) be payable to the department for the benefit of:

(A) the state;

(B) individuals who reside in Indiana when they agree to receive money transmission services from the licensee; and

(C) entities that do business in Indiana when they agree to receive money transmission services from the licensee;

(6) be issued by a bonding, surety, or insurance company authorized to do business in Indiana and rated at least "A-" by at least one (1) nationally recognized investment rating service; and

(7) have payment conditioned upon the licensee's or any of the licensee's employees' or agents' noncompliance with or violation of this chapter or other applicable federal or state laws or regulations.

(c) The director may adopt rules or guidance documents with respect to the requirements for a surety bond as necessary to accomplish the purposes of this chapter. **Upon written request from a licensee, the director may, at the discretion of the director, waive or shorten the five (5) year period set forth in subsection (b)(4) during which a surety bond required by this section must remain in effect after the licensee's license is surrendered or terminated.**

(d) If the principal amount of a surety bond required under this section is reduced by payment of a claim or judgment, the licensee for whom the bond is issued shall immediately notify the director of the reduction and, not later than thirty (30) days after notice by the director, file a new or an additional surety bond in the amount needed to restore the amount of the surety bond to three hundred thousand dollars ($300,000).

(e) If for any reason a surety terminates a bond issued under this section, the licensee shall immediately notify the department and file a new surety bond in the amount of three hundred thousand dollars ($300,000).

(f) Cancellation of a surety bond issued under this section does not affect any liability incurred or accrued during the period when the surety bond was in effect.

(g) The director may obtain satisfaction from a surety bond issued under this section if the director incurs expenses, issues a final order, or recovers a final judgment under this chapter.

(h) Notices required under this section must be made in writing and submitted through the NMLSR or any other electronic registration system that may be approved by the director.

SECTION 22. IC 28-8-5-15, AS AMENDED BY P.L.69-2018,

SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 15. (a) To remain in force, a license must be renewed not later than December 31 of each year, beginning with the year following the date of issuance, as set forth in section 14 of this chapter. A licensee may renew a license issued under this chapter by filing a renewal application as prescribed by the director of the department. The department shall prescribe a form for the renewal application. To be accepted for processing, a renewal application must be accompanied by:

(1) the license renewal fee described in subsection (b); and

(2) all information and documents requested by the director of the department.

(b) A licensee that seeks to renew a license issued under this chapter shall pay to the department not later than December 31 of each year a fee fixed by the department under IC 28-11-3-5 as a renewal fee. The department may fix a daily late fee under IC 28-11-3-5 for a:

(1) renewal license application; or

(2) renewal fee;

that is received by the department after December 31.

(c) A person that is licensed under this chapter, or a person that seeks a license or a renewal of a license under this chapter in accordance with this section and sections 11 and 12 of this chapter, shall notify the department not later than thirty (30) days after any of the following occurs:

(1) The person has a change in name, address, or principals.

(2) The person opens a new branch, closes an existing branch, or relocates an existing branch.

(3) The person files for bankruptcy or reorganization.

(4) The person is notified by a state or governmental authority that the person is subject to revocation or suspension proceedings with respect to the person's activities related to the business of cashing checks or the provision of other financial services.

(5) An individual described in section 12(b)(1) of this chapter has been convicted of a felony involving fraud, deceit, or misrepresentation under the laws of Indiana or any other jurisdiction.

SECTION 23. IC 28-10-1-1, AS AMENDED BY P.L.176-2019, SECTION 63, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1. A reference to a federal law or federal regulation in this title is a reference to the law or regulation as in effect December 31, ~~2018.~~ **2019.**

SECTION 24. **An emergency is declared for this act.**

P.L.130-2020
[H.1372. Approved March 18, 2020.]

AN ACT to amend the Indiana Code concerning insurance.

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

SECTION 1. IC 5-10-8-24 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 24. (a) As used in this section, "state employee health plan" means the following:**

(1) A self-insurance program established under section 7(b) of this chapter.

(2) A contract for prepaid health services entered into under section 7(c) of this chapter.

(b) A state employee health plan must provide coverage for treatment of:

(1) pediatric autoimmune neuropsychiatric disorders associated with streptococcal infections (PANDAS); and

(2) pediatric acute-onset neuropsychiatric syndrome (PANS); including treatment with intravenous immunoglobulin therapy.

(c) The coverage required by this section may not be subject to annual or lifetime limitation, deductible, copayment, or coinsurance provisions that are more restrictive than the annual or

lifetime limitation, deductible, copayment, or coinsurance provisions that apply generally under the state employee health plan.

SECTION 2. IC 27-1-12-2, AS AMENDED BY P.L.124-2018, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 2. (a) The following definitions apply to this section:

(1) "Acceptable collateral" means, as to securities lending transactions:

(A) cash;

(B) cash equivalents;

(C) letters of credit; and

(D) direct obligations of, or securities that are fully guaranteed as to principal and interest by, the government of the United States or any agency of the United States, including the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation.

(2) "Acceptable collateral" means, as to lending foreign securities, sovereign debt that is rated:

(A) A- or higher by Standard & Poor's Corporation;

(B) A3 or higher by Moody's Investors Service, Inc.;

(C) A- or higher by Duff and Phelps, Inc.; or

(D) 1 by the Securities Valuation Office.

(3) "Acceptable collateral" means, as to repurchase transactions:

(A) cash;

(B) cash equivalents; and

(C) direct obligations of, or securities that are fully guaranteed as to principal and interest by, the government of the United States or any agency of the United States, including the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation.

(4) "Acceptable collateral" means, as to reverse repurchase transactions:

(A) cash; and

(B) cash equivalents.

(5) "Admitted assets" means assets permitted to be reported as admitted assets on the statutory financial statement of the life

insurance company most recently required to be filed with the commissioner.

(6) "Business entity" means:

(A) a sole proprietorship;

(B) a corporation;

(C) a limited liability company;

(D) an association;

(E) a partnership;

(F) a joint stock company;

(G) a joint venture;

(H) a mutual fund;

(I) a trust;

(J) a joint tenancy; or

(K) other, similar form of business organization;

whether organized for-profit or not-for-profit.

(7) "Cash" means any of the following:

(A) United States denominated paper currency and coins.

(B) Negotiable money orders and checks.

(C) Funds held in any time or demand deposit in any depository institution, the deposits of which are insured by the Federal Deposit Insurance Corporation.

(8) "Cash equivalent" means any of the following:

(A) A certificate of deposit issued by a depository institution, the deposits of which are insured by the Federal Deposit Insurance Corporation.

(B) A banker's acceptance issued by a depository institution, the deposits of which are insured by the Federal Deposit Insurance Corporation.

(C) A government money market mutual fund.

(D) A class one money market mutual fund.

(9) "Class one money market mutual fund" means a money market mutual fund that at all times qualifies for investment pursuant to the Purposes and Procedures Manual of the NAIC Investment Analysis Office either using the bond class one reserve factor or because it is exempt from asset valuation reserve requirements.

(10) "Dollar roll transaction" means two (2) simultaneous transactions that have settlement dates not more than ninety-six

(96) days apart and that meet the following description:

(A) In one (1) transaction, a life insurance company sells to a business entity one (1) or both of the following:

(i) Asset-backed securities that are issued, assumed, or guaranteed by the Government National Mortgage Association, the Federal National Mortgage Association, or the Federal Home Loan Mortgage Corporation.

(ii) Other asset-backed securities referred to in Section 106 of Title I of the Secondary Mortgage Market Enhancement Act of 1984 (15 U.S.C. 77r-1).

(B) In the other transaction, the life insurance company is obligated to purchase from the same business entity securities that are substantially similar to the securities sold under clause (A).

(11) "Domestic jurisdiction" means:

(A) the United States;

(B) any state, territory, or possession of the United States;

(C) the District of Columbia;

(D) Canada; or

(E) any province of Canada.

(12) "Earnings available for fixed charges" means income, after deducting:

(A) operating and maintenance expenses other than expenses that are fixed charges;

(B) taxes other than federal and state income taxes;

(C) depreciation; and

(D) depletion;

but excluding extraordinary nonrecurring items of income or expense appearing in the regular financial statements of a business entity.

(13) "Fixed charges" includes:

(A) interest on funded and unfunded debt;

(B) amortization of debt discount; and

(C) rentals for leased property.

(14) "Foreign currency" means a currency of a foreign jurisdiction.

(15) "Foreign jurisdiction" means a jurisdiction other than a domestic jurisdiction.

(16) "Government money market mutual fund" means a money market mutual fund that at all times:

(A) invests only in:

(i) obligations that are issued, guaranteed, or insured by the United States; or

(ii) collateralized repurchase agreements composed of obligations that are issued, guaranteed, or insured by the United States; and

(B) qualifies for investment without a reserve pursuant to the Purposes and Procedures Manual of the NAIC Investment Analysis Office.

(17) "Guaranteed or insured," when used in reference to an obligation acquired under this section, means that the guarantor or insurer has agreed to:

(A) perform or insure the obligation of the obligor or purchase the obligation; or

(B) be unconditionally obligated, until the obligation is repaid, to maintain in the obligor a minimum net worth, fixed charge coverage, stockholders' equity, or sufficient liquidity to enable the obligor to pay the obligation in full.

(18) "Investment company" means:

(A) an investment company as defined in Section 3(a) of the Investment Company Act of 1940 (15 U.S.C. 80a-1 et seq.); or

(B) a person described in Section 3(c) of the Investment Company Act of 1940 (15 U.S.C. 80a-1 et seq.).

(19) "Investment company series" means an investment portfolio of an investment company that is organized as a series company to which assets of the investment company have been specifically allocated.

(20) "Letter of credit" means a clean, irrevocable, and unconditional letter of credit that is:

(A) issued or confirmed by; and

(B) payable and presentable at;

a financial institution on the list of financial institutions meeting the standards for issuing letters of credit under the Purposes and Procedures Manual of the NAIC Investment Analysis Office. To

constitute acceptable collateral for the purposes of paragraph 29 of subsection (b), a letter of credit must have an expiration date beyond the term of the subject transaction.

(21) "Market value" means the following:

(A) As to cash, the amount of the cash.

(B) As to cash equivalents, the amount of the cash equivalents.

(C) As to letters of credit, the amount of the letters of credit.

(D) As to a security as of any date:

(i) the price for the security on that date obtained from a generally recognized source, or the most recent quotation from such a source; or

(ii) if no generally recognized source exists, the price for the security as determined in good faith by the parties to a transaction;

plus accrued but unpaid income on the security to the extent not included in the price as of that date.

(22) "Money market mutual fund" means a mutual fund that meets the conditions of 17 CFR 270.2a-7, under the Investment Company Act of 1940 (15 U.S.C. 80a-1 et seq.).

(23) "Multilateral development bank" means an international development organization of which the United States is a member.

(24) "Mutual fund" means:

(A) an investment company; or

(B) in the case of an investment company that is organized as a series company, an investment company series;

that is registered with the United States Securities and Exchange Commission under the Investment Company Act of 1940 (15 U.S.C. 80a-1 et seq.).

(25) "Obligation" means any of the following:

(A) A bond.

(B) A note.

(C) A debenture.

(D) Any other form of evidence of debt.

(26) "Person" means:

(A) an individual;

(B) a business entity;

(C) a multilateral development bank; or

(D) a government or quasi-governmental body, such as a political subdivision or a government sponsored enterprise.

(27) "Repurchase transaction" means a transaction in which a life insurance company purchases securities from a business entity that is obligated to repurchase the purchased securities or equivalent securities from the life insurance company at a specified price, either within a specified period of time or upon demand.

(28) "Reverse repurchase transaction" means a transaction in which a life insurance company sells securities to a business entity and is obligated to repurchase the sold securities or equivalent securities from the business entity at a specified price, either within a specified period of time or upon demand.

(29) "Securities lending transaction" means a transaction in which securities are loaned by a life insurance company to a business entity that is obligated to return the loaned securities or equivalent securities to the life insurance company, either within a specified period of time or upon demand.

(30) "Securities Valuation Office" refers to the Securities Valuation Office of the NAIC.

(31) "Series company" means an investment company that is organized as a series company (as defined in Rule 18f-2(a) adopted under the Investment Company Act of 1940 (15 U.S.C. 80a-1 et seq.)).

(32) "Supported", when used in reference to an obligation, by whomever issued or made, means that:

(A) repayment of the obligation by:

(i) a domestic jurisdiction or by an administration, agency, authority, or instrumentality of a domestic jurisdiction; or

(ii) a business entity;

as the case may be, is secured by real or personal property of value at least equal to the principal amount of the obligation by means of mortgage, assignment of vendor's interest in one (1) or more conditional sales contracts, other title retention device, or by means of other security interest in such property for the benefit of the holder of the obligation; and

(B) the:

(i) domestic jurisdiction or administration, agency, authority,

or instrumentality of the domestic jurisdiction; or

(ii) business entity;

as the case may be, has entered into a firm agreement to rent or use the property pursuant to which it is obligated to pay money as rental or for the use of such property in amounts and at times which shall be sufficient, after provision for taxes upon and other expenses of use of the property, to repay in full the obligation with interest and when such agreement and the money obligated to be paid thereunder are assigned, pledged, or secured for the benefit of the holder of the obligation. However, where the security for the repayment of the obligation consists of a first mortgage lien or deed of trust on a fee interest in real property, the obligation may provide for the amortization, during the initial, fixed period of the lease or contract, of less than one hundred percent (100%) of the obligation if there is pledged or assigned, as additional security for the obligation, sufficient rentals payable under the lease, or of contract payments, to secure the amortized obligation payments required during the initial, fixed period of the lease or contract, including but not limited to payments of principal, interest, and taxes other than the income taxes of the borrower, and if there is to be left unamortized at the end of such period an amount not greater than the original appraised value of the land only, exclusive of all improvements, as prescribed by law.

(b) Investments of domestic life insurance companies at the time they are made shall conform to the following categories, conditions, limitations, and standards:

1. Obligations of a domestic jurisdiction or of any administration, agency, authority, or instrumentality of a domestic jurisdiction.

2. Obligations guaranteed, supported, or insured as to principal and interest by a domestic jurisdiction or by an administration, agency, authority, or instrumentality of a domestic jurisdiction.

3. Obligations issued under or pursuant to the Farm Credit Act of 1971 (12 U.S.C. 2001 through 2279aa-14) as in effect on December 31, 1990, or the Federal Home Loan Bank Act (12 U.S.C. 1421 through 1449) as in effect on December 31, 1990, interest bearing obligations of the FSLIC Resolution Fund or shares of any institution whose

deposits are insured by the Federal Deposit Insurance Corporation to the extent that such shares are insured, obligations issued or guaranteed by a multilateral development bank, and obligations issued or guaranteed by the African Development Bank.

4. Obligations issued, guaranteed, or insured as to principal and interest by a city, county, drainage district, road district, school district, tax district, town, township, village, or other civil administration, agency, authority, instrumentality, or subdivision of a domestic jurisdiction, providing such obligations are authorized by law and are:

(a) direct and general obligations of the issuing, guaranteeing or insuring governmental unit, administration, agency, authority, district, subdivision, or instrumentality;

(b) payable from designated revenues pledged to the payment of the principal and interest thereof; or

(c) improvement bonds or other obligations constituting a first lien, except for tax liens, against all of the real estate within the improvement district or on that part of such real estate not discharged from such lien through payment of the assessment. The area to which such improvement bonds or other obligations relate shall be situated within the limits of a town or city and at least fifty percent (50%) of the properties within such area shall be improved with business buildings or residences.

5. Loans evidenced by obligations secured by first mortgage liens on otherwise unencumbered real estate or otherwise unencumbered leaseholds having at least fifty (50) years of unexpired term, such real estate, or leaseholds to be located in a domestic jurisdiction. Such loans shall not exceed eighty percent (80%) of the fair value of the security determined in a manner satisfactory to the department, except that the percentage stated may be exceeded if and to the extent such excess is guaranteed or insured by:

(a) a domestic jurisdiction or by an administration, agency, authority, or instrumentality of any domestic jurisdiction; or

(b) a private mortgage insurance corporation approved by the department.

If improvements constitute a part of the value of the real estate or leaseholds, such improvements shall be insured against fire for the benefit of the mortgagee in an amount not less than the difference

between the value of the land and the unpaid balance of the loan.

For the purpose of this section, real estate or a leasehold shall not be deemed to be encumbered by reason of the existence in relation thereto of:

(1) liens inferior to the lien securing the loan made by the life insurance company;

(2) taxes or assessment liens not delinquent;

(3) instruments creating or reserving mineral, oil, water or timber rights, rights-of-way, common or joint driveways, sewers, walls, or utility connections;

(4) building restrictions or other restrictive covenants; or

(5) an unassigned lease reserving rents or profits to the owner.

A loan that is authorized by this paragraph remains qualified under this paragraph notwithstanding any refinancing, modification, or extension of the loan. Investments authorized by this paragraph shall not in the aggregate exceed forty-five percent (45%) of the life insurance company's admitted assets.

6. Loans evidenced by obligations guaranteed or insured, but only to the extent guaranteed or insured, by a domestic jurisdiction or by any agency, administration, authority, or instrumentality of any domestic jurisdiction, and secured by second or subsequent mortgages or deeds of trust on real estate or leaseholds, provided the terms of the leasehold mortgages or deeds of trust shall not exceed four-fifths (4/5) of the unexpired lease term, including enforceable renewable options remaining at the time of the loan.

7. Real estate contracts involving otherwise unencumbered real estate situated in a domestic jurisdiction, to be secured by the title to such real estate, which shall be transferred to the life insurance company or to a trustee or nominee of its choosing. For statement and deposit purposes, the value of a contract acquired pursuant to this paragraph shall be whichever of the following amounts is the least:

(a) eighty percent (80%) of the contract price of the real estate;

(b) eighty percent (80%) of the fair value of the real estate at the time the contract is purchased, such value to be determined in a manner satisfactory to the department; or

(c) the amount due under the contract.

For the purpose of this paragraph, real estate shall not be deemed

encumbered by reason of the existence in relation thereto of: (1) taxes or assessment liens not delinquent; (2) instruments creating or reserving mineral, oil, water or timber rights, rights-of-way, common or joint driveways, sewers, walls or utility connections; (3) building restrictions or other restrictive covenants; or (4) an unassigned lease reserving rents or profits to the owner. Fire insurance upon improvements constituting a part of the real estate described in the contract shall be maintained in an amount at least equal to the unpaid balance due under the contract or the fair value of improvements, whichever is the lesser.

8. Improved or unimproved real property, whether encumbered or unencumbered, or any interest therein, held directly or evidenced by joint venture interests, general or limited partnership interests, trust certificates, or any other instruments, and acquired by the life insurance company as an investment, which real property, if unimproved, is developed within five (5) years. Real property acquired for investment under this paragraph, whether leased or intended to be developed for commercial or residential purposes or otherwise lawfully held, is subject to the following conditions and limitations:

(a) The real estate shall be located in a domestic jurisdiction.

(b) The admitted assets of the life insurance company must exceed twenty-five million dollars ($25,000,000).

(c) The life insurance company shall have the right to expend from time to time whatever amount or amounts may be necessary to conform the real estate to the needs and purposes of the lessee and the amount so expended shall be added to and become a part of the investment in such real estate.

(d) The value for statement and deposit purposes of an investment under this paragraph shall be reduced annually by amortization of the costs of improvement and development, less land costs, over the expected life of the property, which value and amortization shall for statement and deposit purposes be determined in a manner satisfactory to the commissioner. In determining such value with respect to the calendar years in which an investment begins or ends with respect to a point in time other than the beginning or end of a calendar year, the amortization provided above shall be made on a proportional basis.

(e) Fire insurance shall be maintained in an amount at least equal

to the insurable value of the improvements or the difference between the value of the land and the value at which such real estate is carried for statement and deposit purposes, whichever amount is smaller.

(f) Real estate acquired in any of the manners described and sanctioned under section 3 of this chapter, or otherwise lawfully held, except paragraph 5 of that section which specifically relates to the acquisition of real estate under this paragraph, shall not be affected in any respect by this paragraph unless such real estate at or subsequent to its acquisition fulfills the conditions and limitations of this paragraph, and is declared by the life insurance company in a writing filed with the department to be an investment under this paragraph. The value of real estate acquired under section 3 of this chapter, or otherwise lawfully held, and invested under this paragraph shall be initially that at which it was carried for statement and deposit purposes under that section.

(g) Neither the cost of each parcel of improved real property nor the aggregate cost of all unimproved real property acquired under the authority of this paragraph may exceed two percent (2%) of the life insurance company's admitted assets. For purposes of this paragraph, "unimproved real property" means land containing no structures intended for commercial, industrial, or residential occupancy, and "improved real property" consists of all land containing any such structure. When applying the limitations of subparagraph (d) of this paragraph, unimproved real property becomes improved real property as soon as construction of any commercial, industrial, or residential structure is so completed as to be capable of producing income. In the event the real property is mortgaged with recourse to the life insurance company or the life insurance company commences a plan of construction upon real property at its own expense or guarantees payment of borrowed funds to be used for such construction, the total project cost of the real property will be used in applying the two percent (2%) test. Further, no more than ten percent (10%) of the life insurance company's admitted assets may be invested in all property, measured by the property value for statement and deposit purposes as defined in this paragraph, held under this

paragraph at the same time.

9. Deposits of cash in a depository institution, the deposits of which are insured by the Federal Deposit Insurance Corporation, or certificates of deposit issued by a depository institution, the deposits of which are insured by the Federal Deposit Insurance Corporation.

10. Bank and bankers' acceptances and other bills of exchange of kinds and maturities eligible for purchase or rediscount by federal reserve banks.

11. Obligations that are issued, guaranteed, assumed, or supported by a business entity organized under the laws of a domestic jurisdiction and that are rated:

(a) BBB- or higher by Standard & Poor's Corporation (or A-2 or higher in the case of commercial paper);

(b) Baa 3 or higher by Moody's Investors Service, Inc. (or P-2 or higher in the case of commercial paper);

(c) BBB- or higher by Duff and Phelps, Inc. (or D-2 or higher in the case of commercial paper); or

(d) 1 or 2 by the Securities Valuation Office.

Investments may also be made under this paragraph in obligations that have not received a rating if the earnings available for fixed charges of the business entity for the period of its five (5) fiscal years next preceding the date of purchase shall have averaged per year not less than one and one-half (1 1/2) times its average annual fixed charges applicable to such period and if during either of the last two (2) years of such period such earnings available for fixed charges shall have been not less than one and one-half (1 1/2) times its fixed charges for such year. However, if the business entity is a finance company or other lending institution at least eighty percent (80%) of the assets of which are cash and receivables representing loans or discounts made or purchased by it, the multiple shall be one and one-quarter (1 1/4) instead of one and one-half (1 1/2).

11.(A) Obligations issued, guaranteed, or assumed by a business entity organized under the laws of a domestic jurisdiction, which obligations have not received a rating or, if rated, have not received a rating that would qualify the obligations for investment under paragraph 11 of this section. Investments authorized by this paragraph may not exceed ~~ten percent (10%)~~ **twenty percent (20%)** of the life insurance

company's admitted assets.

12. Preferred stock of, or common or preferred stock guaranteed as to dividends by, any corporation organized under the laws of a domestic jurisdiction, which over the period of the seven (7) fiscal years immediately preceding the date of purchase earned an average amount per annum at least equal to five percent (5%) of the par value of its common and preferred stock (or, in the case of stocks having no par value, of its issued or stated value) outstanding at date of purchase, or which over such period earned an average amount per annum at least equal to two (2) times the total of its annual interest charges, preferred dividends and dividends guaranteed by it, determined with reference to the date of purchase. No investment shall be made under this paragraph in a stock upon which any dividend is in arrears or has been in arrears for ninety (90) days within the immediately preceding five (5) year period.

13. Common stock of any solvent corporation organized under the laws of a domestic jurisdiction which over the seven (7) fiscal years immediately preceding purchase earned an average amount per annum at least equal to six percent (6%) of the par value of its capital stock (or, in the case of stock having no par value, of the issued or stated value of such stock) outstanding at date of purchase, but the conditions and limitations of this paragraph shall not apply to the special area of investment to which paragraph 23 of this section pertains.

13.(A) Stock or shares of any mutual fund that:

(a) has been in existence for a period of at least five (5) years immediately preceding the date of purchase, has assets of not less than twenty-five million dollars ($25,000,000) at the date of purchase, and invests substantially all of its assets in investments permitted under this section; or

(b) is a class one money market mutual fund or a class one bond mutual fund.

Investments authorized by this paragraph 13(A) in mutual funds having the same or affiliated investment advisers shall not at any one (1) time exceed in the aggregate ten percent (10%) of the life insurance company's admitted assets. The limitations contained in paragraph 22 of this subsection apply to investments in the types of mutual funds described in subparagraph (a). For the purposes of this paragraph,

"class one bond mutual fund" means a mutual fund that at all times qualifies for investment using the bond class one reserve factor under the Purposes and Procedures Manual of the NAIC Investment Analysis Office.

The aggregate amount of investments under this paragraph may be limited by the commissioner if the commissioner finds that investments under this paragraph may render the operation of the life insurance company hazardous to the company's policyholders or creditors or to the general public.

14. Loans upon the pledge of any of the investments described in this section other than real estate and those qualifying solely under paragraph 20 of this subsection, but the amount of such a loan shall not exceed seventy-five percent (75%) of the value of the investment pledged.

15. Real estate acquired or otherwise lawfully held under the provisions of IC 27-1, except under paragraph 7 or 8 of this subsection, which real estate as an investment shall also include the value of improvements or betterments made thereon subsequent to its acquisition. The value of such real estate for deposit and statement purposes is to be determined in a manner satisfactory to the department.

15.(A) Tangible personal property, equipment trust obligations, or other instruments evidencing an ownership interest or other interest in tangible personal property when the life insurance company purchasing such property has admitted assets in excess of twenty-five million dollars ($25,000,000), and where there is a right to receive determined portions of rental, purchase, or other fixed obligatory payments for the use of such personal property from a corporation whose obligations would be eligible for investment under the provisions of paragraph 11 of this subsection, provided that the aggregate of such payments together with the estimated salvage value of such property at the end of its minimum useful life, to be determined in a manner acceptable to the insurance commissioner, and the estimated tax benefits to the insurer resulting from ownership of such property, is adequate to return the cost of the investment in such property, and provided further, that each net investment in tangible personal property for which any single private corporation is obligated to pay rental, purchase, or other obligatory payments thereon does not exceed one-half of one percent (1/2%) of the

life insurance company's admitted assets, and the aggregate net investments made under the provisions of this paragraph do not exceed five percent (5%) of the life insurance company's admitted assets.

16. Loans to policyholders of the life insurance company in amounts not exceeding in any case the reserve value of the policy at the time the loan is made.

17. A life insurance company doing business in a foreign jurisdiction may, if permitted or required by the laws of such jurisdiction, invest funds equal to its obligations in such jurisdiction in investments legal for life insurance companies domiciled in such jurisdiction or doing business therein as alien companies.

17.(A) Investments in (i) obligations issued, guaranteed, assumed, or supported by a foreign jurisdiction or by a business entity organized under the laws of a foreign jurisdiction and (ii) preferred stock and common stock issued by any such business entity, if the obligations of such foreign jurisdiction or business entity, as appropriate, are rated:

(a) BBB- or higher by Standard & Poor's Corporation (or A-2 or higher in the case of commercial paper);

(b) Baa 3 or higher by Moody's Investors Service, Inc. (or P-2 or higher in the case of commercial paper);

(c) BBB- or higher by Duff and Phelps, Inc. (or D-2 or higher in the case of commercial paper); or

(d) 1 or 2 by the Securities Valuation Office.

If the obligations issued by a business entity organized under the laws of a foreign jurisdiction have not received a rating, investments may nevertheless be made under this paragraph in such obligations and in the preferred and common stock of the business entity if the earnings available for fixed charges of the business entity for a period of five (5) fiscal years preceding the date of purchase have averaged at least three (3) times its average fixed charges applicable to such period, and if during either of the last two (2) years of such period, the earnings available for fixed charges were at least three (3) times its fixed charges for such year. Investments authorized by this paragraph in a single foreign jurisdiction shall not exceed ten percent (10%) of the life insurance company's admitted assets. Subject to section 2.2(g) of this chapter, investments authorized by this paragraph denominated in foreign currencies shall not in the aggregate exceed ten percent (10%)

of a life insurance company's admitted assets, and investments in any one (1) foreign currency shall not exceed five percent (5%) of the life insurance company's admitted assets. Investments authorized by this paragraph and paragraph 17(B) shall not in the aggregate exceed twenty percent (20%) of the life insurance company's admitted assets. This paragraph in no way limits or restricts investments which are otherwise specifically eligible for deposit under this section.

17.(B) Investments in:

(a) obligations issued, guaranteed, or assumed by a foreign jurisdiction or by a business entity organized under the laws of a foreign jurisdiction; and

(b) preferred stock and common stock issued by a business entity organized under the laws of a foreign jurisdiction;

which investments are not eligible for investment under paragraph 17.(A).

Investments authorized by this paragraph 17(B) shall not in the aggregate exceed five percent (5%) of the life insurance company's admitted assets. Subject to section 2.2(g) of this chapter, if investments authorized by this paragraph 17(B) are denominated in a foreign currency, the investments shall not, as to such currency, exceed two percent (2%) of the life insurance company's admitted assets. Investments authorized by this paragraph 17(B) in any one (1) foreign jurisdiction shall not exceed two percent (2%) of the life insurance company's admitted assets.

Investments authorized by paragraph 17(A) of this subsection and this paragraph 17(B) shall not in the aggregate exceed twenty percent (20%) of the life insurance company's admitted assets.

18. To protect itself against loss, a company may in good faith receive in payment of or as security for debts due or to become due, investments or property which do not conform to the categories, conditions, limitations, and standards set out above.

19. A life insurance company may purchase for its own benefit any of its outstanding annuity or insurance contracts or other obligations and the claims of holders thereof.

20. A life insurance company may make investments although not conforming to the categories, conditions, limitations, and standards contained in paragraphs 1 through 11, 12 through 19, and 29 through

31 of this subsection, but limited in aggregate amount to the ~~lesser~~ **greater** of:

(a) ten percent (10%) of the company's admitted assets; or

(b) ~~the aggregate of the company's capital,~~ **seventy-five percent (75%) of the company's capital and** surplus ~~and contingency reserves~~ reported on the statutory financial statement of the insurer most recently required to be filed with the commissioner.

This paragraph 20 does not apply to investments authorized by paragraph 11.(A) of this subsection.

20.(A) Investments under paragraphs 1 through 20 and paragraphs 29 through 31 of this subsection are subject to the general conditions, limitations, and standards contained in paragraphs 21 through 28 of this subsection.

21. Investments in obligations (other than real estate mortgage indebtedness) and capital stock of, and in real estate and tangible personal property leased to, a single corporation, shall not exceed ~~two percent (2%)~~ **three percent (3%)** of the life insurance company's admitted assets, taking into account the provisions of section 2.2(h) of this chapter. The conditions and limitations of this paragraph shall not apply to investments under paragraph 13(A) of this subsection or the special area of investment to which paragraph 23 of this subsection pertains.

22. Investments in:

(a) preferred stock; and

(b) common stock;

shall not, in the aggregate, exceed twenty percent (20%) of the life insurance company's admitted assets, exclusive of assets held in segregated accounts of the nature defined in class 1(c) of IC 27-1-5-1. These limitations shall not apply to investments for the special purposes described in paragraph 23 of this subsection nor to investments in connection with segregated accounts provided for in class 1(c) of IC 27-1-5-1.

23. Investments in subsidiary companies must be made in accordance with IC 27-1-23-2.6.

24. No investment, other than commercial bank deposits and loans on life insurance policies, shall be made unless authorized by the life insurance company's board of directors or a committee designated by

the board of directors and charged with the duty of supervising loans or investments.

25. No life insurance company shall subscribe to or participate in any syndicate or similar underwriting of the purchase or sale of securities or property or enter into any transaction for such purchase or sale on account of said company, jointly with any other corporation, firm, or person, or enter into any agreement to withhold from sale any of its securities or property, but the disposition of its assets shall at all times be within its control. Nothing contained in this paragraph shall be construed to invalidate or prohibit an agreement by two (2) or more companies to join and share in the purchase of investments for bona fide investment purposes.

26. No life insurance company may invest in the stocks or obligations, except investments under paragraphs 9 and 10 of this subsection, of any corporation in which an officer of such life insurance company is either an officer or director. However, this limitation shall not apply with respect to such investments in:

(a) a corporation which is a subsidiary or affiliate of such life insurance company; or

(b) a trade association, provided such investment meets the requirements of paragraph 5 of this subsection.

27. Except for the purpose of mutualization provided for in section 23 of this chapter, or for the purpose of retirement of outstanding shares of capital stock pursuant to amendment of its articles of incorporation, or in connection with a plan approved by the commissioner for purchase of such shares by the life insurance company's officers, employees, or agents, no life insurance company shall invest in its own stock.

28. In applying the conditions, limitations, and standards prescribed in paragraphs 11, 12, and 13 of this subsection to the stocks or obligations of a corporation which in the seven (7) year period preceding purchase of such stocks or obligations acquired its property or a substantial part thereof through consolidation, merger, or purchase, the earnings of the several predecessors or constituent corporations shall be consolidated.

29. A. Before a life insurance company may engage in securities lending transactions, repurchase transactions, reverse repurchase transactions, or dollar roll transactions, the life insurance company's

board of directors must adopt a written plan that includes guidelines and objectives to be followed, including the following:

(1) A description of how cash received will be invested or used for general corporate purposes of the company.

(2) Operational procedures for managing interest rate risk, counterparty default risk, and the use of acceptable collateral in a manner that reflects the liquidity needs of the transaction.

(3) A statement of the extent to which the company may engage in securities lending transactions, repurchase transactions, reverse repurchase transactions, and dollar roll transactions.

B. A life insurance company must enter into a written agreement for all transactions authorized by this paragraph, other than dollar roll transactions. The written agreement:

(1) must require the termination of each transaction not more than one (1) year after its inception or upon the earlier demand of the company; and

(2) must be with the counterparty business entity, except that, for securities lending transactions, the agreement may be with an agent acting on behalf of the life insurance company if:

(A) the agent is:

(i) a business entity, the obligations of which are rated BBB- or higher by Standard & Poor's Corporation (or A-2 or higher in the case of commercial paper), Baa3 or higher by Moody's Investors Service, Inc. (or P-2 or higher in the case of commercial paper), BBB- or higher by Duff and Phelps, Inc. (or D-2 or higher in the case of commercial paper), or 1 or 2 by the Securities Valuation Office;

(ii) a business entity that is a primary dealer in United States government securities, recognized by the Federal Reserve Bank of New York; or

(iii) any other business entity approved by the commissioner; and

(B) the agreement requires the agent to enter into with each counterparty separate agreements that are consistent with the requirements of this paragraph.

C. Cash received in a transaction under this paragraph shall be:

(1) invested:

(A) in accordance with this section 2; and

(B) in a manner that recognizes the liquidity needs of the transaction; or

(2) used by the life insurance company for its general corporate purposes.

D. For as long as a transaction under this paragraph remains outstanding, the life insurance company or its agent or custodian shall maintain, as to acceptable collateral received in the transaction, either physically or through book entry systems of the Federal Reserve, the Depository Trust Company, the Participants Trust Company, or another securities depository approved by the commissioner:

(1) possession of the acceptable collateral;

(2) a perfected security interest in the acceptable collateral; or

(3) in the case of a jurisdiction outside the United States:

(A) title to; or

(B) rights of a secured creditor to;

the acceptable collateral.

E. The limitations set forth in paragraphs 17 and 21 of this subsection do not apply to transactions under this paragraph 29. For purposes of calculations made to determine compliance with this paragraph, no effect may be given to the future obligation of the life insurance company to:

(1) resell securities, in the case of a repurchase transaction; or

(2) repurchase securities, in the case of a reverse repurchase transaction.

F. A life insurance company shall not enter into a transaction under this paragraph if, as a result of the transaction, and after giving effect to the transaction:

(1) the aggregate amount of securities then loaned, sold to, or purchased from any one (1) business entity under this paragraph would exceed five percent (5%) of the company's admitted assets (but in calculating the amount sold to or purchased from a business entity under repurchase or reverse repurchase transactions, effect may be given to netting provisions under a master written agreement); or

(2) the aggregate amount of all securities then loaned, sold to, or purchased from all business entities under this paragraph would

exceed forty percent (40%) of the admitted assets of the company (provided, however, that this limitation does not apply to a reverse repurchase transaction if the borrowing is used to meet operational liquidity requirements resulting from an officially declared catastrophe and is subject to a plan approved by the commissioner).

G. The following collateral requirements apply to all transactions under this paragraph:

(1) In a securities lending transaction, the life insurance company must receive acceptable collateral having a market value as of the transaction date at least equal to one hundred two percent (102%) of the market value of the securities loaned by the company in the transaction as of that date. If at any time the market value of the acceptable collateral received from a particular business entity is less than the market value of all securities loaned by the company to that business entity, the business entity shall be obligated to deliver additional acceptable collateral to the company, the market value of which, together with the market value of all acceptable collateral then held in connection with all securities lending transactions with that business entity, equals at least one hundred two percent (102%) of the market value of the loaned securities.

(2) In a reverse repurchase transaction, other than a dollar roll transaction, the life insurance company must receive acceptable collateral having a market value as of the transaction date equal to at least ninety-five percent (95%) of the market value of the securities transferred by the company in the transaction as of that date. If at any time the market value of the acceptable collateral received from a particular business entity is less than ninety-five percent (95%) of the market value of all securities transferred by the company to that business entity, the business entity shall be obligated to deliver additional acceptable collateral to the company, the market value of which, together with the market value of all acceptable collateral then held in connection with all reverse repurchase transactions with that business entity, equals at least ninety-five percent (95%) of the market value of the transferred securities.

(3) In a dollar roll transaction, the life insurance company must

receive cash in an amount at least equal to the market value of the securities transferred by the company in the transaction as of the transaction date.

(4) In a repurchase transaction, the life insurance company must receive acceptable collateral having a market value equal to at least one hundred two percent (102%) of the purchase price paid by the company for the securities. If at any time the market value of the acceptable collateral received from a particular business entity is less than one hundred percent (100%) of the purchase price paid by the life insurance company in all repurchase transactions with that business entity, the business entity shall be obligated to provide additional acceptable collateral to the company, the market value of which, together with the market value of all acceptable collateral then held in connection with all repurchase transactions with that business entity, equals at least one hundred two percent (102%) of the purchase price. Securities acquired by a life insurance company in a repurchase transaction shall not be:

(A) sold in a reverse repurchase transaction;

(B) loaned in a securities lending transaction; or

(C) otherwise pledged.

30. A life insurance company may invest in obligations or interests in trusts or partnerships regardless of the issuer, which are secured by:

(a) investments authorized by paragraphs 1, 2, 3, 4, or 11 of this subsection; or

(b) collateral with the characteristics and limitations prescribed for loans under paragraph 5 of this subsection.

For the purposes of this paragraph 30, collateral may be substituted for other collateral if it is in the same amount with the same or greater interest rate and qualifies as collateral under subparagraph (a) or (b) of this paragraph.

31. A life insurance company may invest in obligations or interests in trusts or partnerships, regardless of the issuer, secured by any form of collateral other than that described in subparagraphs (a) and (b) of paragraph 30 of this subsection, which obligations or interests in trusts or partnerships are rated:

(a) ~~A-~~ **BBB-** or higher by Standard & Poor's Corporation or Duff

and Phelps, Inc.;

(b) ~~A 3~~ **Baa3** or higher by Moody's Investor Service, Inc.; or

(c) 1 **or 2** by the Securities Valuation Office.

Investments authorized by this paragraph may not exceed ~~ten percent (10%)~~ **twenty percent (20%)** of the life insurance company's admitted assets.

32. A. A life insurance company may invest in short-term pooling arrangements as provided in this paragraph.

B. The following definitions apply throughout this paragraph:

(1) "Affiliate" means, as to any person, another person that, directly or indirectly through one (1) or more intermediaries, controls, is controlled by, or is under common control with the person.

(2) "Control" means the possession, directly or indirectly, of the power to direct or cause the direction of the management and policies of a person, whether through the ownership of voting securities, by contract (other than a commercial contract for goods or non-management services), or otherwise, unless the power is the result of an official position with or corporate office held by the person. Control shall be presumed to exist if a person, directly or indirectly, owns, controls, holds with the power to vote or holds proxies representing ten percent (10%) or more of the voting securities of another person. This presumption may be rebutted by a showing that control does not exist in fact. The commissioner may determine, after furnishing all interested persons notice and an opportunity to be heard and making specific findings of fact to support the determination, that control exists in fact, notwithstanding the absence of a presumption to that effect.

(3) "Qualified bank" means a national bank, state bank, or trust company that at all times is not less than adequately capitalized as determined by standards adopted by United States banking regulators and that is either regulated by state banking laws or is a member of the Federal Reserve System.

C. A life insurer may participate in investment pools qualified under this paragraph that invest only in:

(1) obligations that are rated BBB- or higher by Standard & Poor's Corporation (or A-2 or higher in the case of commercial paper),

Baa 3 or higher by Moody's Investors Service, Inc. (or P-2 or higher in the case of commercial paper), BBB- or higher by Duff and Phelps, Inc. (or D-2 or higher in the case of commercial paper), or 1 or 2 by the Securities Valuation Office, and have:

(A) a remaining maturity of three hundred ninety-seven (397) days or less or a put that entitles the holder to receive the principal amount of the obligation which put may be exercised through maturity at specified intervals not exceeding three hundred ninety-seven (397) days; or

(B) a remaining maturity of three (3) years or less and a floating interest rate that resets not less frequently than quarterly on the basis of a current short-term index (for example, federal funds, prime rate, treasury bills, London InterBank Offered Rate (LIBOR) or commercial paper) and is not subject to a maximum limit, if the obligations do not have an interest rate that varies inversely to market interest rate changes;

(2) government money market mutual funds or class one money market mutual funds; or

(3) securities lending, repurchase, and reverse repurchase and dollar roll transactions that meet the requirements of paragraph 29 of this subsection and any applicable regulations of the department;

provided that the investment pool shall not acquire investments in any one (1) business entity that exceed ten percent (10%) of the total assets of the investment pool.

D. For an investment pool to be qualified under this paragraph, the investment pool shall not:

(1) acquire securities issued, assumed, guaranteed, or insured by the life insurance company or an affiliate of the company; or

(2) borrow or incur any indebtedness for borrowed money, except for securities lending, reverse repurchase, and dollar roll transactions that meet the requirements of paragraph 29 of this subsection.

E. A life insurance company shall not participate in an investment pool qualified under this paragraph if, as a result of and after giving effect to the participation, the aggregate amount of participation then

held by the company in all investment pools under this paragraph and section 2.4 of this chapter would exceed thirty-five percent (35%) of its admitted assets.

F. For an investment pool to be qualified under this paragraph:

(1) the manager of the investment pool must:

(A) be organized under the laws of the United States, a state or territory of the United States, or the District of Columbia, and designated as the pool manager in a pooling agreement; and

(B) be the life insurance company, an affiliated company, a business entity affiliated with the company, or a qualified bank or a business entity registered under the Investment Advisors Act of 1940 (15 U.S.C. 80a-1 et seq.);

(2) the pool manager or an entity designated by the pool manager of the type set forth in subdivision (1) of this subparagraph F shall compile and maintain detailed accounting records setting forth:

(A) the cash receipts and disbursements reflecting each participant's proportionate participation in the investment pool;

(B) a complete description of all underlying assets of the investment pool (including amount, interest rate, maturity date (if any) and other appropriate designations); and

(C) other records which, on a daily basis, allow third parties to verify each participant's interest in the investment pool; and

(3) the assets of the investment pool shall be held in one (1) or more accounts, in the name of or on behalf of the investment pool, under a custody agreement or trust agreement with a qualified bank, which must:

(A) state and recognize the claims and rights of each participant;

(B) acknowledge that the underlying assets of the investment pool are held solely for the benefit of each participant in proportion to the aggregate amount of its participation in the investment pool; and

(C) contain an agreement that the underlying assets of the investment pool shall not be commingled with the general assets of the qualified bank or any other person.

G. The pooling agreement for an investment pool qualified under this paragraph must be in writing and must include the following

provisions:

(1) Insurers, subsidiaries, or affiliates of insurers holding interests in the pool, or any pension or profit sharing plan of such insurers or their subsidiaries or affiliates, shall, at all times, hold one hundred percent (100%) of the interests in the investment pool.

(2) The underlying assets of the investment pool shall not be commingled with the general assets of the pool manager or any other person.

(3) In proportion to the aggregate amount of each pool participant's interest in the investment pool:

(A) each participant owns an undivided interest in the underlying assets of the investment pool; and

(B) the underlying assets of the investment pool are held solely for the benefit of each participant.

(4) A participant or (in the event of the participant's insolvency, bankruptcy, or receivership) its trustee, receiver, or other successor-in-interest may withdraw all or any portion of its participation from the investment pool under the terms of the pooling agreement.

(5) Withdrawals may be made on demand without penalty or other assessment on any business day, but settlement of funds shall occur within a reasonable and customary period thereafter. Payments upon withdrawals under this paragraph shall be calculated in each case net of all then applicable fees and expenses of the investment pool. The pooling agreement shall provide for such payments to be made to the participants in one (1) of the following forms, at the discretion of the pool manager:

(A) in cash, the then fair market value of the participant's pro rata share of each underlying asset of the investment pool;

(B) in kind, a pro rata share of each underlying asset; or

(C) in a combination of cash and in kind distributions, a pro rata share in each underlying asset.

(6) The records of the investment pool shall be made available for inspection by the commissioner.

SECTION 3. IC 27-1-12.1-9, AS ADDED BY P.L.115-2011, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 9. A limited purpose subsidiary that is granted a

certificate of authority by the commissioner under this chapter:

(1) is authorized to engage in the business of reinsurance for purposes of ~~IC 27-6-10~~ **IC 27-6-10.1** only for the lines of insurance for which the:

(A) organizing domestic life insurance company; and

(B) affiliates of the organizing domestic life insurance company;

are authorized;

(2) may reinsure only risks of:

(A) the organizing domestic life insurance company; and

(B) affiliates of the organizing domestic life insurance company; and

(3) may access alternative forms of financing.

SECTION 4. IC 27-1-13-3, AS AMENDED BY P.L.124-2018, SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 3. (a) The following definitions apply throughout this section:

(1) "Acceptable collateral" means the following:

(A) As to securities lending transactions and for the purpose of calculating counterparty exposure:

(i) cash;

(ii) cash equivalents;

(iii) letters of credit; and

(iv) direct obligations of, or securities that are fully guaranteed as to principal and interest by, the government of the United States or any agency of the United States, including the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation.

(B) As to lending foreign securities, sovereign debt rated 1 by the Securities Valuation Office.

(C) As to repurchase transactions:

(i) cash;

(ii) cash equivalents; and

(iii) direct obligations of, or securities that are fully guaranteed as to principal and interest by, the government of the United States or any agency of the United States, including the Federal National Mortgage Association and the

Federal Home Loan Mortgage Corporation.

(D) As to reverse repurchase transactions:

(i) cash; and

(ii) cash equivalents.

(2) "Admitted assets" means assets permitted to be reported as admitted assets on the statutory financial statement of the insurer most recently required to be filed with the commissioner.

(3) "Business entity" means any of the following:

(A) A sole proprietorship.

(B) A corporation.

(C) A limited liability company.

(D) An association.

(E) A general partnership.

(F) A limited partnership.

(G) A limited liability partnership.

(H) A joint stock company.

(I) A joint venture.

(J) A trust.

(K) A joint tenancy.

(L) Any other similar form of business organization, whether for profit or nonprofit.

(4) "Cash" means any of the following:

(A) United States denominated paper currency and coins.

(B) Negotiable money orders and checks.

(C) Funds held in any time or demand deposit in any depository institution, the deposits of which are insured by the Federal Deposit Insurance Corporation.

(5) "Cash equivalent" means any of the following:

(A) A certificate of deposit issued by a depository institution, the deposits of which are insured by the Federal Deposit Insurance Corporation.

(B) A banker's acceptance issued by a depository institution, the deposits of which are insured by the Federal Deposit Insurance Corporation.

(C) A government money market mutual fund.

(D) A class one (1) money market mutual fund.

(6) "Class one (1) money market mutual fund" means a money

market mutual fund that at all times qualifies for investment using the bond class one (1) reserve factor pursuant to the Purposes and Procedures Manual of the NAIC Investment Analysis Office.

(7) "Derivative transaction" has the meaning set forth in IC 27-1-12-2.2(a)(14).

(8) "Government money market mutual fund" means a money market mutual fund that at all times:

(A) invests only in obligations issued, guaranteed, or insured by the United States or collateralized repurchase agreements composed of these obligations; and

(B) qualifies for investment without a reserve pursuant to the Purposes and Procedures Manual of the NAIC Investment Analysis Office.

(9) "Money market mutual fund" means a mutual fund that meets the conditions of 17 CFR 270.2a-7, under the Investment Company Act of 1940 (15 U.S.C. 80a-1 et seq.).

(10) "Mutual fund" means:

(A) an investment company; or

(B) in the case of an investment company that is organized as a series company, an investment company series;

that is registered with the United States Securities and Exchange Commission under the Investment Company Act of 1940 (15 U.S.C. 80a-1 et seq.).

(11) "Obligation" means any of the following:

(A) A bond.

(B) A note.

(C) A debenture.

(D) Any other form of evidence of debt.

(12) "Qualified business entity" means a business entity that is:

(A) an issuer of obligations or preferred stock that is rated one (1) or two (2) or is rated the equivalent of one (1) or two (2) by the Securities Valuation Office or by a nationally recognized statistical rating organization recognized by the Securities Valuation Office; or

(B) a primary dealer in United States government securities, recognized by the Federal Reserve Bank of New York.

(13) "Securities Valuation Office" refers to the Securities

Valuation Office of the NAIC.

(b) Any company, other than one organized as a life insurance company, organized under the provisions of IC 27-1 or any other law of this state and authorized to make any or all kinds of insurance described in class 2 or class 3 of IC 27-1-5-1 shall invest its capital or guaranty fund as follows and not otherwise:

(1) In cash.

(2) In:

(A) direct obligations of the United States; or

(B) obligations secured or guaranteed as to principal and interest by the United States.

(3) In:

(A) direct obligations; or

(B) obligations secured by the full faith and credit;

of any state of the United States or the District of Columbia.

(4) In obligations of any county, township, city, town, village, school district, or other municipal district within the United States which are a direct obligation of the county, township, city, town, village, or district issuing the same.

(5) In obligations secured by mortgages or deeds of trust or unencumbered real estate or perpetual leases thereon in the United States not exceeding eighty percent (80%) of the fair value of the security determined in a manner satisfactory to the department, except that the percentage stated may be exceeded if and to the extent such excess is guaranteed or insured by the United States, any state, territory, or possession of the United States, the District of Columbia, Canada, any province of Canada, or by an administration, agency, authority, or instrumentality of any such governmental units. Where improvements on the land constitute a part of the value on which the loan is made, the improvements shall be insured against fire and tornado for the benefit of the mortgagee. For the purposes of this section, real estate may not be deemed to be encumbered by reason of the existence of taxes or assessments that are not delinquent, instruments creating or reserving mineral, oil, or timber rights, rights-of-way, joint driveways, sewer rights, rights-in-walls, nor by reason of building restrictions, or other restrictive covenants, nor when such real

estate is subject to lease in whole or in part whereby rents or profits are reserved to the owner. The restrictions contained in this subdivision do not apply to loans or investments made under section 5 of this chapter.

(c) Any company organized under the provisions of this article or any other law of this state and authorized to make any or all of the kinds of insurance described in class 2 or class 3 of IC 27-1-5-1 shall invest its funds over and above its required capital stock or required guaranty fund as follows, and not otherwise:

(1) In cash or cash equivalents. However, not more than ten percent (10%) of admitted assets may be invested in any single government money market mutual fund or class one (1) money market mutual fund.

(2) In direct obligations of the United States or obligations secured or guaranteed as to principal and interest by the United States.

(3) In obligations issued, guaranteed, or insured as to principal and interest by a city, county, drainage district, road district, school district, tax district, town, township, village or other civil administration, agency, authority, instrumentality or subdivision of a state, territory, or possession of the United States, the District of Columbia, Canada, or any province of Canada, providing such obligations are authorized by law and are either:

(A) direct and general obligations of the issuing, guaranteeing, or insuring governmental unit, administration, agency, authority, district, subdivision, or instrumentality;

(B) payable from designated revenues pledged to the payment of the principal and interest of the obligations; or

(C) improvement bonds or other obligations constituting a first lien, except for tax liens, against all of the real estate within the improvement district or on that part of such real estate not discharged from such lien through payment of the assessment.

The area to which the improvement bonds or other obligations under clause (C) relate must be situated within the limits of a town or city and at least fifty percent (50%) of the properties within that area must be improved with business buildings or residences.

(4) In:

(A) direct obligations; or

(B) obligations secured by the full faith and credit;

of any state of the United States, the District of Columbia, or Canada or any province thereof.

(5) In obligations guaranteed, supported, or insured as to principal and interest by the United States, any state, territory, or possession of the United States, the District of Columbia, Canada, any province of Canada, or by an administration, agency, authority, or instrumentality of any of the political units listed in this subdivision. An obligation is "supported" for the purposes of this subdivision when repayment of the obligation is secured by real or personal property of value at least equal to the principal amount of the indebtedness by means of mortgage, assignment of vendor's interest in one (1) or more conditional sales contracts, other title retention device, or by means of other security interest in the property for the benefit of the holder of the obligation, and one (1) of the political units listed in this subdivision, or an administration, agency, authority, or instrumentality listed in this subdivision, has entered into a firm agreement to rent or use the property pursuant to which entity is obligated to pay money as rental or for the use of the property in amounts and at times that are sufficient, after provision for taxes upon and for other expenses of the use of the property, to repay in full the indebtedness, both principal and interest, and when the firm agreement and the money obligated to be paid under the agreement are assigned, pledged, or secured for the benefit of the holder of the obligation. However, where the security consists of a first mortgage lien or deed of trust on a fee interest in real property, the obligation may provide for the amortization, during the initial fixed period of the lease or contract of less than one hundred percent (100%) of the indebtedness if there is pledged or assigned, as additional security for the obligation, sufficient rentals payable under the lease, or of contract payments, to secure the amortized obligation payments required during the initial, fixed period of the lease or contract, including but not limited to payments of principal, interest, and taxes other than the income taxes of the borrower, and if there is to be left unamortized at the end of the period an amount not greater than the original appraised value of

the land only, exclusive of all improvements, as prescribed by law.
(6) In obligations secured by mortgages or deeds of trust or unencumbered real estate or perpetual leases thereon, in any state in the United States, the District of Columbia, Canada, or any province of Canada, not exceeding eighty percent (80%) of the fair value of the security determined in a manner satisfactory to the department, except that the percentage stated may be exceeded if and to the extent that the excess is guaranteed or insured by the United States, any state, territory, or possession of the United States, the District of Columbia, Canada, any province of Canada, or by an administration, agency, authority, or instrumentality of any of such governmental units. The value of the real estate must be determined by a method and in a manner satisfactory to the department. The restrictions contained in this subdivision do not apply to loans or investments made under section 5 of this chapter.
(7) In obligations issued under or pursuant to the Farm Credit Act of 1971 (12 U.S.C. 2001 through 2279aa-14) as in effect on December 31, 1990, or the Federal Home Loan Bank Act (12 U.S.C. 1421 through 1449) as in effect on December 31, 1990, interest bearing obligations of the FSLIC Resolution Fund and shares of any institution that is insured by the Federal Deposit Insurance Corporation to the extent that the shares are insured, obligations issued or guaranteed by the International Bank for Reconstruction and Development, obligations issued or guaranteed by the Inter-American Development Bank, and obligations issued or guaranteed by the African Development Bank.
(8) In any mutual fund that:

(A) has been registered with the Securities and Exchange Commission for a period of at least five (5) years immediately preceding the date of purchase;

(B) has net assets of at least twenty-five million dollars ($25,000,000) on the date of purchase; and

(C) invests substantially all of its assets in investments permitted under this subsection.

The amount invested in any single mutual fund shall not exceed ten percent (10%) of admitted assets. The aggregate amount of investments under this subdivision may be limited by the

commissioner if the commissioner finds that investments under this subdivision may render the operation of the company hazardous to the company's policyholders, to the company's creditors, or to the general public. This subdivision in no way limits or restricts investments that are otherwise specifically permitted under this section.

(9) In obligations payable in United States dollars and issued, guaranteed, assumed, insured, or accepted by a foreign government or by a solvent business entity existing under the laws of a foreign government, if the obligations of the foreign government or business entity meet at least one (1) of the following criteria:

(A) The obligations carry a rating of at least A3 conferred by Moody's Investor Services, Inc.

(B) The obligations carry a rating of at least A- conferred by Standard & Poor's Corporation.

(C) The earnings available for fixed charges of the business entity for a period of five (5) fiscal years preceding the date of purchase have averaged at least three (3) times the average fixed charges of the business entity applicable to the period, and if during either of the last two (2) years of the period, the earnings available for fixed charges were at least three (3) times the fixed charges of the business entity for the year. As used in this subdivision, the terms "earnings available for fixed charges" and "fixed charges" have the meanings set forth in IC 27-1-12-2(a).

Foreign investments authorized by this subdivision shall not exceed twenty percent (20%) of the company's admitted assets. This subdivision in no way limits or restricts investments that are otherwise specifically permitted under this section. Canada is not a foreign government for purposes of this subdivision.

(10) In the obligations of any solvent business entity existing under the laws of the United States, any state of the United States, the District of Columbia, Canada, or any province of Canada, provided that interest on the obligations is not in default.

(11) In the preferred or guaranteed shares of any solvent business entity, so long as the business entity is not and has not been for the

preceding five (5) years in default in the payment of interest due and payable on its outstanding debt or in arrears in the payment of dividends on any issue of its outstanding preferred or guaranteed stock.

(12) In the shares, other than those specified in subdivision (7), of any solvent business entity existing under the laws of any state of the United States, the District of Columbia, Canada, or any province of Canada, and in the shares of any institution wherever located which has the insurance protection provided by the Federal Deposit Insurance Corporation. Except for the purpose of mutualization or for the purpose of retirement of outstanding shares of capital stock pursuant to amendment of its articles of incorporation, or in connection with a plan approved by the commissioner for purchase of such shares by the insurance company's officers, employees, or agents, or for the elimination of fractional shares, no company subject to the provisions of this section may invest in its own stock.

(13) In loans upon the pledge of any mortgage, stocks, bonds, or other evidences of indebtedness, acceptable as investments under the terms of this chapter, if the current value of the mortgage, stock, bond, or other evidences of indebtedness is at least twenty-five percent (25%) more than the amount loaned on it.

(14) In real estate, subject to subsections (d) and (e).

(15) In securities lending, repurchase, and reverse repurchase transactions with business entities, subject to the following requirements:

(A) The company's board of directors shall adopt a written plan that specifies guidelines and objectives to be followed, such as:

(i) a description of how cash received will be invested or used for general corporate purposes of the company;

(ii) operational procedures to manage interest rate risk, counterparty default risk, and the use of acceptable collateral in a manner that reflects the liquidity needs of the transaction; and

(iii) the extent to which the company may engage in these transactions.

(B) The company shall enter into a written agreement for all

transactions authorized in this subdivision. The written agreement shall require the termination of each transaction not more than one (1) year from its inception or upon the earlier demand of the company. The agreement shall be with the counterparty business entity but, for securities lending transactions, the agreement may be with an agent acting on behalf of the company if the agent is a qualified business entity and if the agreement:

(i) requires the agent to enter into separate agreements with each counterparty that are consistent with the requirements of this section; and

(ii) prohibits securities lending transactions under the agreement with the agent or its affiliates.

(C) Cash received in a transaction under this section shall be invested in accordance with this section and in a manner that recognizes the liquidity needs of the transaction or used by the company for its general corporate purposes. For as long as the transaction remains outstanding, the company or its agent or custodian shall maintain, as to acceptable collateral received in a transaction under this section, either physically or through book entry systems of the Federal Reserve, Depository Trust Company, Participants Trust Company, or other securities depositories approved by the commissioner:

(i) possession of the acceptable collateral;

(ii) a perfected security interest in the acceptable collateral; or

(iii) in the case of a jurisdiction outside the United States, title to, or rights of a secured creditor to, the acceptable collateral.

(D) For purposes of calculations made to determine compliance with this subdivision, no effect may be given to the company's future obligation to resell securities in the case of a repurchase transaction, or to repurchase securities in the case of a reverse repurchase transaction. A company shall not enter into a transaction under this subdivision if, as a result of and after giving effect to the transaction:

(i) the aggregate amount of securities then loaned, sold to, or

purchased from any one (1) business entity pursuant to this subdivision would exceed five percent (5%) of its admitted assets (but, in calculating the amount sold to or purchased from a business entity pursuant to repurchase or reverse repurchase transactions, effect may be given to netting provisions under a master written agreement); or

(ii) the aggregate amount of all securities then loaned, sold to, or purchased from all business entities under this subdivision would exceed forty percent (40%) of its admitted assets.

(E) In a securities lending transaction, the company shall receive acceptable collateral having a market value as of the transaction date at least equal to one hundred two percent (102%) of the market value of the securities loaned by the company in the transaction as of that date. If at any time the market value of the acceptable collateral is less than the market value of the loaned securities, the business entity shall be obligated to deliver additional acceptable collateral, the market value of which, together with the market value of all acceptable collateral then held in connection with the transaction, at least equals one hundred two percent (102%) of the market value of the loaned securities.

(F) In a reverse repurchase transaction, the company shall receive acceptable collateral having a market value as of the transaction date at least equal to ninety-five percent (95%) of the market value of the securities transferred by the company in the transaction as of that date. If at any time the market value of the acceptable collateral is less than ninety-five percent (95%) of the market value of the securities so transferred, the business entity shall be obligated to deliver additional acceptable collateral, the market value of which, together with the market value of all acceptable collateral then held in connection with the transaction, equals at least ninety-five percent (95%) of the market value of the transferred securities.

(G) In a repurchase transaction, the company shall receive as acceptable collateral transferred securities having a market

value equal to at least one hundred two percent (102%) of the purchase price paid by the company for the securities. If at any time the market value of the acceptable collateral is less than one hundred percent (100%) of the purchase price paid by the company, the business entity shall be obligated to provide additional acceptable collateral, the market value of which, together with the market value of all acceptable collateral then held in connection with the transaction, equals at least one hundred two percent (102%) of the purchase price. Securities acquired by a company in a repurchase transaction shall not be sold in a reverse repurchase transaction, loaned in a securities lending transaction, or otherwise pledged.

(16) In mortgage backed securities, including collateralized mortgage obligations, mortgage pass through securities, mortgage backed bonds, and real estate mortgage investment conduits, adequately secured by a pool of mortgages, which mortgages are fully guaranteed or insured by the government of the United States or any agency of the United States, including the Federal National Mortgage Association or the Federal Home Loan Mortgage Corporation.

(17) In mortgage backed securities, including collateralized mortgage obligations, mortgage pass through securities, mortgage backed bonds, and real estate mortgage investment conduits, adequately secured by a pool of mortgages, if the securities carry a rating of at least:

(A) ~~A3~~ **Baa3** conferred by Moody's Investor Services, Inc.; or

(B) ~~A-~~ **BBB-** conferred by Standard & Poor's Corporation.

The amount invested in any one (1) obligation or pool of obligations described in this subdivision shall not exceed five percent (5%) of admitted assets. The aggregate amount of all investments under this subdivision shall not exceed ten percent (10%) of admitted assets.

(18) Any other investment acquired in good faith as payment on account of existing indebtedness or in connection with the refinancing, restructuring, or workout of existing indebtedness, if taken to protect the interests of the company in that investment.

(19) In obligations or interests in trusts or partnerships in which

a life insurance company may invest as described in paragraph 31 of IC 27-1-12-2(b). Investments authorized by this paragraph may not exceed ~~ten percent (10%)~~ **twenty percent (20%)** of the company's admitted assets.

(20) In any other investment. The total of all investments under this subdivision, except for investments in subsidiary companies under IC 27-1-23-2.6, may not exceed ~~an aggregate amount~~ **the greater** of ten percent (10%) of the insurer's admitted assets **or fifty percent (50%) of the insurer's capital and surplus.** Investments are not permitted under this subdivision:

(A) if expressly prohibited by statute; or

(B) in an insolvent organization or an organization in default with respect to the payment of principal or interest on its obligations.

(d) Any company subject to the provisions of this section shall have power to acquire, hold, or convey real estate, or an interest therein, as described below, and no other:

(1) Leaseholds, provided the mortgage term shall not exceed four-fifths (4/5) of the unexpired lease term, including enforceable renewable options, remaining at the time of the loan, such real estate or leaseholds to be located in the United States, any territory or possession of the United States, or Canada, the value of such leasehold for statement purposes shall be determined in a manner and form satisfactory to the department. At the time the leasehold is acquired and approved by the department, a schedule of annual depreciation shall be set up by the department in which the value of said leasehold is to be depreciated, and said depreciation is to be averaged out over not exceeding a period of fifty (50) years.

(2) The building in which it has its principal office and the land on which it stands.

(3) Such as shall be necessary for the convenient transaction of its business.

(4) Such as shall have been acquired for the accommodation of its business.

(5) Such as shall have been mortgaged to it in good faith by way of security for loans previously contracted or for money due.

(6) Such as shall have been conveyed to it in connection with its

investments in real estate contracts or its investments in real estate under lease or for the purpose of leasing or such as shall have been acquired for the purpose of investment under any law, order, or regulation authorizing such investment, for statement purposes, the value of such real estate shall be determined in a manner satisfactory to the department.

(7) Such as shall have been conveyed to it in satisfaction of debts previously contracted in the course of its dealings, or in exchange for real estate so conveyed to it.

(8) Such as it shall have purchased at sales on judgments, decrees, or mortgages obtained or made for such debts.

(e) All real estate described in subsection (d)(4) through (d)(8) which is not necessary for the convenient transaction of its business shall be sold by said company and disposed of within ten (10) years after it acquired title to the same, or within five (5) years after the same has ceased to be necessary for the accommodation of its business, unless the company procures the certificate of the commissioner that its interests will suffer materially by a forced sale of the real estate, in which event the time for the sale may be extended to such time as the commissioner directs in the certificate.

(f) The board of directors of a company, other than a company organized as a life insurance company, shall do all the following:

(1) Before engaging in derivatives transactions, approve a written plan that specifies guidelines, systems, and objectives to be followed, such as:

(A) investment of or, if applicable, underwriting objectives and risk constraints, such as credit risk limits;

(B) permissible transactions and the relationship of those transactions to the insurer's operations;

(C) internal control procedures;

(D) a system for determining whether a derivative instrument used for hedging has been effective;

(E) a credit risk management system for over-the-counter derivatives transactions that measures credit risk exposure using the counterparty exposure amount; and

(F) a mechanism for reviewing and auditing compliance with the guidelines, systems, and objectives specified in the written

plan.

(2) Before engaging in derivatives transactions, make a determination that the insurer's investment managers have adequate professional personnel, technical expertise, and systems to implement the insurer's intended investment practices involving derivative instruments.

(3) Review whether derivatives transactions have been made in accordance with the approved guidelines and are consistent with stated objectives.

(4) Take action to correct any deficiencies in internal controls relating to derivatives transactions.

SECTION 5. IC 27-1-25-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 7. All claims paid by an administrator from funds collected on behalf of an insurer shall ~~only~~ be paid: ~~on~~

(1) by ~~drafts~~ **draft** or ~~checks~~ **check; or**

(2) via electronic payment;

as authorized by the insurer.

SECTION 6. IC 27-1-28-15, AS ADDED BY P.L.11-2011, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 15. (a) Except as provided in section 16 of this chapter **and in subsection (e),** an individual who applies for an independent adjuster license under this chapter must pass a written examination that is:

(1) developed and conducted according to rules adopted by the commissioner under IC 4-22-2; and

(2) intended to test the knowledge of the individual concerning:

(A) the lines of authority in which the individual has applied for licensing under this chapter;

(B) the duties and responsibilities of an independent adjuster; and

(C) Indiana insurance law.

(b) The commissioner may contract with a nongovernmental entity to administer the written examination required by this section.

(c) An individual described in subsection (a) shall remit, with the application to take the written examination required by this section, a nonrefundable examination fee in an amount set by the commissioner

or the organization administering the examination.

(d) If an individual:

(1) fails to appear for or to pass an examination; and

(2) desires to reschedule the examination;

the individual shall reapply for the written examination and remit all fees and forms before scheduling an examination date.

(e) An individual who holds a current claims certification issued by a national or state claims association whose certification program includes:

(1) a precertification course for new adjusters that is approved by the department;

(2) an examination for new adjusters that is approved by the department; and

(3) a continuing education program that is approved by the department;

is not required to complete a prelicensing course described in section 12(b)(5) of this chapter or pass a written examination described in subsection (a) to be issued an independent adjuster license under this chapter.

SECTION 7. IC 27-1-28-16, AS ADDED BY P.L.11-2011, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 16. (a) An individual who applies for an independent adjuster license under this chapter and who:

(1) possesses an independent adjuster license for the same line of authority in which the individual has applied for licensing under this chapter in a state in which a prelicensing independent adjuster licensure examination is required;

(2) possessed an independent adjuster license that:

(A) was for the same line of authority in which the individual has applied for licensing under this chapter in a state in which a prelicensing independent adjuster licensure examination is required; and

(B) expired less than ninety (90) days before the date the commissioner receives the application; or

(3) provides proof from contracting insurers that the individual has participated in claims adjudication in the same line of authority during the five (5) years immediately preceding the date

of application;

is not required to complete a prelicensing course as described in section 12(b)(5) of this chapter or pass a written examination under section 15 of this chapter before being licensed under this chapter.

(b) An applicant who meets the criteria set forth in subsection (a)(1) or (a)(2) must provide certification from the other state that the applicant's independent adjuster license:

(1) is currently in good standing; or

(2) was in good standing at the time of expiration.

(c) A person:

(1) ~~that:~~ **who:**

~~(1)~~ **(A)** is licensed as an independent adjuster in another state where a prelicensing independent adjuster licensure examination is required;

~~(2)~~ **(B)** establishes legal residency in Indiana; and

~~(3)~~ **(C)** applies for a resident independent adjuster license under this chapter less than ninety (90) days after the person establishes legal residency in Indiana; **or**

(2) who holds a current claims certification issued by a national or state claims association whose certification program includes:

(A) a precertification course for new adjusters that is approved by the department;

(B) an examination for new adjusters that is approved by the department; and

(C) a continuing education program that is approved by the department;

is not required to complete a prelicensing course as described in section 12(b)(5) of this chapter or pass a written examination under section 15 of this chapter before being licensed under this chapter.

SECTION 8. IC 27-1-28-19, AS ADDED BY P.L.11-2011, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 19. (a) Except as provided in subsection (b), an individual who holds a license under this chapter shall, every two (2) years, satisfactorily complete a minimum of twenty-four (24) hours of continuing education courses and report the completion of the courses to the commissioner.

(b) This section does not apply to the following:

(1) An individual who is licensed for less than twelve (12) months before the end of the applicable continuing education biennium.

(2) A licensed nonresident independent adjuster who has met the continuing education requirements of the licensed nonresident independent adjuster's designated home state.

(3) An individual holding a current claims certification if:

(A) the claims certification is issued by a national or state claims association whose certification program is approved by the department for purposes of this section;

(B) the number of hours of study required to complete the certification program described in clause (A) is not less than the number of hours of continuing education that an individual is required to complete every two (2) years under subsection (a);

(C) the content of the certification program described in clause (A):

(i) includes the content of the prelicensing course of study required by section 12(b)(5) of this chapter for the line of authority in which the individual has applied for or obtained licensing under this chapter; and

(ii) is made available for review and audit by the commissioner through an electronic portal maintained by the association;

(D) the claims association referred to in clause (A) is approved as a continuing education provider in Indiana;

(E) the claims association referred to in clause (A) reports the individual's completion of the certification program described in clause (A) to the commissioner through an electronic portal maintained by the commissioner; and

(F) the association, through an electronic portal maintained by the association, provides the commissioner access to the individual's transcript showing the individual's completion of the certification program described in clause (A).

SECTION 9. IC 27-1-34-1.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS

[EFFECTIVE JULY 1, 2020]: **Sec. 1.5. A multiple employer welfare arrangement may be established through an interlocal cooperation agreement under IC 36-1-7.**

SECTION 10. IC 27-2-27 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]:

Chapter 27. Insurance Data Security

Sec. 1. This chapter applies after June 30, 2021.

Sec. 2. As used in this chapter, "authorized individual" means an individual authorized by the licensee to have access to the nonpublic information held by the licensee and its information systems.

Sec. 3. As used in this chapter, "commissioner" refers to the insurance commissioner appointed under IC 27-1-1-2.

Sec. 4. As used in this chapter, "consumer" means a resident of Indiana whose nonpublic information is in a licensee's possession, custody, or control.

Sec. 5. As used in this chapter, "cybersecurity event" means an event resulting in unauthorized access to or a disruption or misuse of an information system or nonpublic information stored on the information system that has a reasonable likelihood of materially harming a consumer or any material part of the normal operations of the licensee. However, the term does not include the following:

(1) The unauthorized acquisition of encrypted nonpublic information if the encryption, process, or key is not also acquired, released, or used without authorization.

(2) An event in which a licensee has determined that the nonpublic information accessed by an unauthorized person has not been used or released and has been returned or destroyed.

Sec. 6. As used in this chapter, "department" means the department of insurance created by IC 27-1-1-1.

Sec. 7. As used in this chapter, "encrypted" means the transformation of data into a form that results in a low probability of assigning meaning without the use of a protective process or key.

Sec. 8. As used in this chapter, "information security program" means the administrative, technical, and physical safeguards that

a licensee uses to access, collect, distribute, process, protect, store, use, transmit, dispose of, or otherwise handle nonpublic information.

Sec. 9. As used in this chapter, "information system" means either of the following:

(1) A discrete set of electronic information resources organized for the collection, processing, maintenance, use, sharing, dissemination, or disposition of nonpublic information.

(2) Any specialized system, such as industrial or process control systems, telephone switching systems, private exchange systems, and environmental control systems.

Sec. 10. (a) As used in this chapter, "licensee" means a person that is:

(1) licensed, authorized to operate, or registered; or

(2) required to be licensed, authorized to operate, or registered;

under this title and the rules adopted under this title.

(b) The term does not include any of the following:

(1) A purchasing group or risk retention group that is chartered and licensed in another state.

(2) A person that is:

(A) acting as an assuming insurer; and

(B) domiciled in a state or jurisdiction other than Indiana.

Sec. 11. As used in this chapter, "multi-factor authentication" means authentication through verification of at least two (2) of the following types of authentication factors:

(1) Knowledge factors, such as a password.

(2) Possession factors, such as a token or text message on a mobile phone.

(3) Inherence factors, such as a biometric characteristic.

Sec. 12. As used in this chapter, "nonpublic information" means electronic information that is not publicly available information and is described in either of the following subdivisions:

(1) Any information concerning a consumer, which because of name, number, personal mark, or other identifier can be used, in combination with any one (1) or more of the following data

elements, to identify the consumer:

(A) Social Security number.

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

(C) Financial account number, credit card number, or debit card number.

(D) Any security code, access code, or password that would permit access to a consumer's financial account.

(E) Biometric records.

(2) Any information or data, except age or gender, in any form or medium created by or derived from a health care provider or a consumer that can be used to identify a consumer and relates to:

(A) the past, present, or future physical, mental, or behavioral health or condition of the consumer or a member of the consumer's family;

(B) the provision of health care to the consumer; or

(C) payment for the provision of health care provided to the consumer.

Sec. 13. As used in this chapter, "publicly available information" means any information that a licensee has a reasonable basis to believe is lawfully made available to the general public from:

(1) federal, state, or local government records;

(2) widely distributed media; or

(3) disclosures to the general public that are required to be made by federal, state, or local law.

Sec. 14. As used in this chapter, "risk assessment" means the assessment a licensee is required to conduct under section 17 of this chapter.

Sec. 15. As used in this chapter, "third party service provider" means a person that contracts with a licensee to maintain, process, store, or otherwise is permitted access to nonpublic information through its provision of services to the licensee.

Sec. 16. (a) A licensee shall develop, implement, and maintain a comprehensive, written information security program that:

(1) is based on the risk assessment required under section 17

of this chapter; and

(2) contains administrative, technical, and physical safeguards for the protection of nonpublic information and the licensee's information systems.

(b) An information security program must accomplish the following:

(1) Protect the security and confidentiality of nonpublic information and information systems.

(2) Protect against any threats or hazards to the security or integrity of nonpublic information and information systems.

(3) Protect against unauthorized access to or use of nonpublic information and minimize the likelihood of harm to a consumer.

(4) Define and periodically reevaluate a schedule for retention of nonpublic information and a procedure for its destruction when no longer needed.

Sec. 17. A licensee shall conduct a risk assessment of its information systems and treatment of nonpublic information by doing the following:

(1) Designating one (1) or more employees, an affiliate, or an outside vendor designated to act on behalf of the licensee information security program.

(2) Identifying reasonably foreseeable internal or external threats that could result in a cybersecurity event, including threats to information systems and nonpublic information held or accessed by third party service providers.

(3) Assessing the likelihood and potential damage of the threats identified in subdivision (2), taking into consideration the sensitivity of the nonpublic information.

(4) Assessing the sufficiency of the policies, procedures, information systems, and other safeguards currently in place to manage the threats identified in subdivision (2), including an assessment of threats in each relevant area of the licensee's operations, including the following:

(A) Employee training and management.

(B) Information systems, including network and software design, and information classification, governance,

processing, storage, transmission, and disposal.

(C) Procedures for detecting, preventing, and responding to cybersecurity events or other systems failures.

(5) Implementing information safeguards to manage the threats identified under subdivision (2), and assessing the effectiveness of the safeguards' key controls, systems, and procedures at least one (1) time each year.

Sec. 18. Based on the results of the risk assessment, a licensee shall do the following:

(1) Design its information security program to mitigate the identified risks, commensurate with:

(A) the licensee's size and complexity;

(B) the nature and scope of the licensee's activities; and

(C) the sensitivity of the nonpublic information in the licensee's control.

(2) Determine and implement appropriate security measures, which may include the following:

(A) Placing access controls on information systems, including controls to authenticate and permit only authorized individuals to have access to nonpublic information.

(B) Identifying and managing the data, personnel, devices, systems, and facilities that enable the licensee to achieve business purposes in accordance with their relative importance to business objectives and risk strategy.

(C) Restricting physical access to nonpublic information to authorized individuals only.

(D) Protecting by encryption or other appropriate means all nonpublic information while being transmitted over an external network and all nonpublic information stored on a laptop computer or other portable computing or storage device or media.

(E) Adopting secure development practices for in-house developed applications used by the licensee.

(F) Modifying information systems in accordance with the licensee's information security program.

(G) Using effective controls, which may include

multi-factor authentication procedures for any employees accessing nonpublic information.

(H) Regularly testing and monitoring systems and procedures to detect actual and attempted attacks on, or intrusions into, information systems.

(I) Including audit trails within the information security program designed to detect and respond to a cybersecurity event and designed to reconstruct material financial transactions sufficient to support normal operations and obligations of the licensee.

(J) Implementing measures to protect against destruction, loss, or damage of nonpublic information due to environmental hazards, such as fire and water damage or other catastrophes or technological failures.

(K) Developing, implementing, and maintaining procedures for the secure disposal of nonpublic information in any format.

(3) Include cybersecurity risks in the licensee's enterprise risk management process.

(4) Stay informed regarding emerging threats or vulnerabilities.

(5) Use reasonable security measures when sharing information, relative to the character of the sharing and the type of information shared.

(6) Provide personnel with cybersecurity awareness training that is updated as necessary to reflect risks identified in the risk assessment.

Sec. 19. (a) If the licensee has a board of directors, the board of directors shall require the licensee's executive management or its delegates to develop, implement, and maintain the licensee's information security program.

(b) If the licensee's executive management delegates any of its responsibilities under this section, it shall:

(1) oversee the development, implementation, and maintenance of the licensee's information security program prepared by the delegate; and

(2) receive a report from the delegate concerning:

(A) the overall status of the information security program;

(B) the licensee's compliance with this chapter; and

(C) material matters related to the information security program addressing such issues as:

(i) risk assessment;

(ii) risk management and control decisions;

(iii) third party service provider arrangements;

(iv) results of testing;

(v) cybersecurity events and management's responses to cybersecurity events; and

(vi) recommendations for changes in the information security program.

Sec. 20. (a) As part of its information security program, a licensee shall establish a written incident response plan designed to promptly respond to, and recover from, any cybersecurity event.

(b) An incident response plan must include the following:

(1) The internal process for responding to a cybersecurity event.

(2) The goals of the incident response plan.

(3) The definition of clear roles, responsibilities, and levels of decision making authority.

(4) External and internal communications and information sharing.

(5) Identification of requirements for the remediation of any identified weaknesses in information systems and associated controls.

(6) Documentation and reporting regarding cybersecurity events and related incident response activities.

(7) The evaluation and revision, as necessary, of the incident response plan.

(c) Annually, not later than April 15, each insurer domiciled in Indiana shall submit to the commissioner a written statement certifying that the insurer is in compliance with the requirements set forth in sections 16 through 19 of this chapter and this section. Each insurer shall maintain for examination by the department all records, schedules, and data supporting this certificate for a period of five (5) years. To the extent an insurer has identified areas,

systems, or processes that require material improvement, updating, or redesign, the insurer shall document the identification of the areas, systems, or processes and the remedial efforts planned and underway to address the areas, systems, or processes. The documentation must be available for inspection by the commissioner.

Sec. 21. (a) If a licensee learns that a cybersecurity event has or may have occurred, the licensee, or an outside vendor or service provider designated to act on the licensee's behalf, shall conduct a prompt investigation. During the investigation, the licensee or outside vendor or service provider designated to act on the licensee's behalf shall:

(1) determine:

(A) whether a cybersecurity event has occurred;

(B) if so, the nature and scope of the cybersecurity event; and

(C) whether any nonpublic information may have been involved in the cybersecurity event; and

(2) perform or oversee reasonable measures to restore the security of the information systems compromised in the cybersecurity event in order to prevent further unauthorized acquisition, release, or use of nonpublic information in the licensee's possession, custody, or control.

(b) A licensee shall maintain records concerning all cybersecurity events for at least five (5) years after the date of the cybersecurity event. A licensee shall produce these records upon demand of the commissioner.

(c) A licensee shall notify the commissioner as promptly as possible but not later than three (3) business days after a determination that a cybersecurity event involving nonpublic information that is in the possession of the licensee has occurred if either of the following applies:

(1) Indiana is the licensee's state of domicile, if the licensee is an insurer, or the licensee's home state, if the licensee is a producer, and the cybersecurity event has a reasonable likelihood of materially harming a consumer residing in Indiana or materially harming any material part of the

normal operations of the licensee.

(2) The licensee reasonably believes that the nonpublic information of at least two hundred fifty (250) consumers residing in Indiana was affected by the cybersecurity event and that the cybersecurity event is either of the following:

(A) A cybersecurity event impacting the licensee of which notice is required to be provided by any other state, federal, or local law.

(B) A cybersecurity event that has a reasonable likelihood of materially harming:

(i) a consumer residing in Indiana; or

(ii) any material part of the normal operations of the licensee.

(d) After learning that a cybersecurity event has or may have occurred, a licensee shall provide as much of the following information as possible in electronic form, as directed by the commissioner:

(1) The date of the cybersecurity event.

(2) A description of how the information was exposed, lost, stolen, or breached, including the specific roles and responsibilities of any third party service providers.

(3) How the cybersecurity event was discovered.

(4) Whether any lost, stolen, or breached information has been recovered and, if so, how this was done.

(5) The identity of the source of the cybersecurity event.

(6) Whether the licensee has filed a police report or has notified any regulatory, government, or law enforcement agencies and, if so, when the notification was provided.

(7) A description of the specific types of information acquired without authorization. Specific types of information means particular data elements including, for example, types of medical information, types of financial information, or types of information allowing identification of the consumer.

(8) The period during which the information system was compromised by the cybersecurity event.

(9) The total number of consumers in Indiana affected by the cybersecurity event. The licensee shall provide the best

estimate in the initial report to the commissioner and update this estimate with each subsequent report to the commissioner under this section.

(10) The results of any internal review:

(A) identifying a lapse in either automated controls or internal procedures; or

(B) confirming that all automated controls or internal procedures were followed.

(11) A description of efforts being undertaken to remediate the situation that permitted the cybersecurity event to occur.

(12) A copy of the licensee's privacy policy and a statement outlining the steps the licensee will take to investigate and notify consumers affected by the cybersecurity event.

(13) The name of a contact person who is both familiar with the cybersecurity event and authorized to act for the licensee.

(e) The licensee has a continuing obligation to update and supplement initial and subsequent notifications to the commissioner regarding material changes to previously provided information relating to the cybersecurity event.

(f) A licensee shall comply with IC 24-4.9, as applicable, and provide a copy of the notice sent to consumers under IC 24-4.9 to the commissioner if the licensee is required to notify the commissioner under subsection (c).

(g) Nothing in this chapter abrogates or prevents an agreement between a licensee and:

(1) another licensee;

(2) a third party service provider; or

(3) any other party;

to fulfill any investigation requirements imposed under subsection (a) or notice requirements imposed under subsections (c) through (f).

Sec. 22. (a) In the case of a cybersecurity event involving nonpublic information that:

(1) is used by a licensee acting as an assuming insurer; or

(2) is in the possession, custody, or control of a licensee that:

(A) is acting as an assuming insurer; and

(B) does not have a direct contractual relationship with the

affected consumers;

the assuming insurer shall notify its affected ceding insurers and the commissioner of its state of domicile within three (3) business days after making the determination that a cybersecurity event has occurred and the ceding insurers that have a direct contractual relationship with affected consumers shall fulfill the consumer notification requirements imposed under IC 24-4.9 and any other notification requirements relating to a cybersecurity event imposed under section 21(c) through 21(f) of this chapter.

(b) In the case of a cybersecurity event involving nonpublic information that is in the possession, custody, or control of a third party service provider of a licensee that is an assuming insurer:

(1) the assuming insurer shall notify its affected ceding insurers and the commissioner of its state of domicile within three (3) business days after receiving notice from its third party service provider that a cybersecurity event has occurred; and

(2) the ceding insurers that have a direct contractual relationship with affected consumers shall fulfill the consumer notification requirements imposed under IC 24-4.9 and any other notification requirements relating to a cybersecurity event imposed under section 21(c) through 21(f) of this chapter.

(c) Except for the obligations set forth in this section, a licensee acting as assuming insurer has no notice obligations relating to a cybersecurity event or other data breach under section 21 of this chapter or any other law of Indiana.

Sec. 23. (a) In the case of a cybersecurity event:

(1) that involves nonpublic information:

(A) that is in the possession, custody, or control of a licensee that is an insurer or its third party service provider; and

(B) for which a consumer accessed the insurer's services through an independent insurance producer; and

(2) for which consumer notice is required by IC 24-4.9;

the insurer shall notify the producers of record of all affected consumers of the cybersecurity event not later than the time at

which notice is provided to the affected consumers.

(b) The insurer is excused from the obligation set forth in subsection (a):

(1) for any producers who are not authorized by law or contract to sell, solicit, or negotiate on behalf of the insurer; and

(2) in those instances in which the insurer does not have the current producer of record information for an individual consumer.

Sec. 24. (a) The commissioner may examine and investigate into the affairs of any licensee to determine whether the licensee has been or is engaged in any conduct in violation of this chapter. This power is in addition to the other powers the commissioner has under this title. Any investigation or examination of a licensee under this section shall be conducted pursuant to IC 27-1.

(b) Whenever the commissioner has reason to believe that a licensee has been or is engaged in conduct in Indiana that violates this chapter, the commissioner may take action that is necessary or appropriate to enforce this chapter.

Sec. 25. (a) Any documents, materials, or other information in the control or possession of the department that are:

(1) furnished by a licensee or an employee or agent acting on behalf of a licensee under section 20(c), 21(d)(2) through 21(d)(5), 21(d)(8), or 21(d)(10) through 21(d)(11) of this chapter; or

(2) obtained by the commissioner in an investigation or examination under section 24 of this chapter;

are confidential by law and privileged, are not subject to IC 5-14-3, are not subject to subpoena, and are not subject to discovery or admissible in evidence in any private civil action. However, the commissioner is authorized to use the documents, materials, or other information in the furtherance of any regulatory or legal action brought as a part of the commissioner's duties. The commissioner shall not otherwise make the documents, materials, or other information public without the prior written consent of the licensee.

(b) Neither the commissioner nor any person who received

documents, materials, or other information while acting under the authority of the commissioner shall be permitted or required to testify in any private civil action concerning any confidential documents, materials, or information subject to subsection (a).

(c) In order to assist in the performance of the commissioner's duties under this chapter, the commissioner:

(1) may share documents, materials, or other information, including the confidential and privileged documents, materials, or information subject to subsection (a), with other state, federal, and international regulatory agencies, with the NAIC and its affiliates or subsidiaries, and with state, federal, and international law enforcement authorities, provided that the recipient agrees in writing to maintain the confidentiality and privileged status of the document, material, or other information;

(2) may receive documents, materials, or information, including otherwise confidential and privileged documents, materials, or information, from the NAIC and its affiliates or subsidiaries and from regulatory and law enforcement officials of other foreign or domestic jurisdictions, and shall maintain as confidential or privileged any document, material, or information received with notice or the understanding that it is confidential or privileged under the laws of the jurisdiction that is the source of the document, material, or information;

(3) may share documents, materials, or other information subject to subsection (a), with a third party consultant or vendor provided the consultant or vendor agrees in writing to maintain the confidentiality and privileged status of the document, material, or other information; and

(4) may enter into agreements governing sharing and use of information consistent with this subsection.

(d) No waiver of any applicable privilege or claim of confidentiality in the documents, materials, or information shall occur as a result of disclosure to the commissioner under this section or as a result of sharing as authorized in subsection (c).

(e) Nothing in this chapter prohibits the commissioner from

releasing final, adjudicated actions that are open to public inspection under IC 5-14-3 to a data base or other clearinghouse service maintained by the NAIC, its affiliates, or subsidiaries.

(f) Documents, materials, or other information in the possession or control of the NAIC or a third party consultant or vendor under this chapter shall be confidential by law and privileged, shall not be subject to IC 5-14-3, shall not be subject to subpoena, and shall not be subject to discovery or admissible in evidence in any private civil action.

Sec. 26. (a) A licensee is exempt from sections 16 through 20 of this chapter if the licensee has:

(1) fewer than fifty (50) employees;

(2) less than five million dollars ($5,000,000) in gross annual revenue; or

(3) less than ten million dollars ($10,000,000) in year-end total assets.

(b) A licensee that:

(1) is subject to the federal Health Insurance Portability and Accountability Act (Pub.L. 104–191, 110 Stat. 1936, enacted August 21, 1996); and

(2) has established and maintains an information security program pursuant to that federal act and the regulations, procedures, or guidelines established under that act;

will be considered as meeting the requirements of this chapter, except for the notice requirements described in section 21 of this chapter.

(c) An individual who:

(1) is an employee, agent, representative, or designee of a licensee; and

(2) is also a licensee;

is exempt from sections 16 through 20 of this chapter and need not develop the individual's own information security program to the extent that the individual is covered by the information security program of the licensee of which the individual is an employee, agent, representative, or designee.

(d) A licensee shall be considered to have complied with sections 16 through 20 of this chapter if the licensee is affiliated with a

financial institution (as defined in 15 U.S.C. 6809) that maintains an information security program in compliance with the Interagency Guidelines Establishing Standards for Safeguarding Consumer Information adopted under Sections 501 and 505(b) of the Gramm-Leach-Bliley Act (15 U.S.C. 6801 and 6805(b)).

(e) If a licensee ceases to qualify for an exception under subsection (a), (b), (c), or (d), the licensee must comply with sections 16 through 20 of this chapter not more than one hundred eighty (180) days after the licensee ceases to qualify for the exception.

Sec. 27. If a licensee violates this chapter, the insurance commissioner may, after notice and hearing under IC 4-21.5, suspend or revoke the license, certificate of authority, or registration of the licensee.

Sec. 28. The insurance commissioner may adopt rules under IC 4-22-2 to carry out the provisions of this chapter.

Sec. 29. This chapter does not create a private right of action against any person.

Sec. 30. Notwithstanding any other provision of law, this chapter establishes the exclusive state standards applying to licensees for:

(1) data security;

(2) the investigation of a cybersecurity event; and

(3) notification to the insurance commissioner concerning a cybersecurity event.

Sec. 31. The requirements of this chapter do not apply to a financial institution (as defined in 15 U.S.C. 6809), except to the extent the financial institution transacts insurance business.

Sec. 32. (a) A licensee that satisfies the requirements of this chapter is entitled to an affirmative defense to any cause of action sounding in tort that:

(1) is brought under the laws or in the courts of this state; and

(2) alleges that the failure to implement reasonable information security controls resulted in a data breach concerning nonpublic information.

(b) The affirmative defense available under this section does not limit any other affirmative defenses available to a licensee.

SECTION 11. IC 27-6-10 IS REPEALED [EFFECTIVE JULY 1, 2020]. (Credit for Reinsurance).

SECTION 12. IC 27-6-10.1 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]:

Chapter 10.1. Credit for Reinsurance

Sec. 1. (a) The purpose of this chapter is to protect the interest of insureds, claimants, ceding insurers, assuming insurers, and the public generally.

(b) The general assembly declares that its intent is to ensure adequate regulation of insurers and reinsurers and adequate protection for those to whom they owe obligations. In furtherance of that state interest, the general assembly provides a mandate that upon the insolvency of a non-U.S. insurer or reinsurer that provides security to fund its U.S. obligations in accordance with this chapter, the assets representing the security shall be maintained in the United States and claims shall be filed with and valued by the state insurance commissioner with regulatory oversight, and the assets shall be distributed, in accordance with the insurance laws of the state in which the trust is domiciled that are applicable to the liquidation of domestic U.S. insurance companies.

(c) The general assembly declares that the matters contained in this chapter are fundamental to the business of insurance in accordance with 15 U.S.C. 1011 through 15 U.S.C. 1012.

Sec. 2. Credit Allowed a Domestic Ceding Insurer. Credit for reinsurance shall be allowed a domestic ceding insurer as either an asset or a reduction from liability on account of reinsurance ceded only when the reinsurer meets the requirements of Subsection A, B, C, D, E, F, or G; provided further, that the insurance commissioner may adopt by regulation pursuant to Section 5B of this chapter specific additional requirements relating to or setting forth: (1) the valuation of assets or reserve credits; (2) the amount and forms of security supporting reinsurance arrangements described in Section 5B of this chapter; and/or (3) the circumstances pursuant to which credit will be reduced or eliminated. Credit shall be allowed under Subsection A, B, or C

only as respects cessions of those kinds or classes of business which the assuming insurer is licensed or otherwise permitted to write or assume in its state of domicile or, in the case of a U.S. branch of an alien assuming insurer, in the state through which it is entered and licensed to transact insurance or reinsurance. Credit shall be allowed under Subsection C or D only if the applicable requirements of Subsection H have been satisfied.

A. Credit shall be allowed when the reinsurance is ceded to an assuming insurer that is licensed to transact insurance or reinsurance in Indiana.

B. Credit shall be allowed when the reinsurance is ceded to an assuming insurer that is accredited by the insurance commissioner as a reinsurer in Indiana. In order to be eligible for accreditation, a reinsurer must:

(1) file with the insurance commissioner evidence of its submission to Indiana's jurisdiction;

(2) submit to Indiana's authority to examine its books and records;

(3) be licensed to transact insurance or reinsurance in at least one (1) state, or in the case of a U.S. branch of an alien assuming insurer, be entered through and licensed to transact insurance or reinsurance in at least one (1) state;

(4) file annually with the insurance commissioner a copy of its annual statement filed with the insurance department of its state of domicile and a copy of its most recent audited financial statement; and

(5) demonstrate to the satisfaction of the insurance commissioner that it has adequate financial capacity to meet its reinsurance obligations and is otherwise qualified to assume reinsurance from domestic insurers. An assuming insurer is deemed to meet this requirement as of the time of its application if it maintains a surplus as regards policyholders in an amount not less than twenty million dollars ($20,000,000) and its accreditation has not been denied by the insurance commissioner within ninety (90) days after submission of its application.

C. (1) Credit shall be allowed when the reinsurance is ceded

to an assuming insurer that is domiciled in, or in the case of a U.S. branch of an alien assuming insurer is entered through, a state that employs standards regarding credit for reinsurance substantially similar to those applicable under this statute and the assuming insurer or U.S. branch of an alien assuming insurer:

(a) maintains a surplus as regards policyholders in an amount not less than twenty million dollars ($20,000,000); and

(b) submits to the authority of Indiana to examine its books and records.

(2) The requirement of Paragraph (1)(a) of this subsection does not apply to reinsurance ceded and assumed pursuant to pooling arrangements among insurers in the same holding company system.

D. (1) Credit shall be allowed when the reinsurance is ceded to an assuming insurer that maintains a trust fund in a qualified U.S. financial institution, as defined in Section 4B of this chapter, for the payment of the valid claims of its U.S. ceding insurers, their assigns, and successors in interest. To enable the insurance commissioner to determine the sufficiency of the trust fund, the assuming insurer shall report annually to the insurance commissioner information substantially the same as that required to be reported on the NAIC Annual Statement form by licensed insurers. The assuming insurer shall submit to examination of its books and records by the insurance commissioner and bear the expense of examination.

(2) (a) Credit for reinsurance shall not be granted under this subsection unless the form of the trust and any amendments to the trust have been approved by:

(i) the insurance commissioner of the state where the trust is domiciled; or

(ii) the insurance commissioner of another state who, pursuant to the terms of the trust instrument, has accepted principal regulatory oversight of the trust.

(b) The form of the trust and any trust amendments also

shall be filed with the insurance commissioner of every state in which the ceding insurer beneficiaries of the trust are domiciled. The trust instrument shall provide that contested claims shall be valid and enforceable upon the final order of any court of competent jurisdiction in the United States. The trust shall vest legal title to its assets in its trustees for the benefit of the assuming insurer's U.S. ceding insurers, their assigns, and successors in interest. The trust and the assuming insurer shall be subject to examination as determined by the insurance commissioner.

(c) The trust shall remain in effect for as long as the assuming insurer has outstanding obligations due under the reinsurance agreements subject to the trust. No later than February 28 of each year the trustee of the trust shall report to the insurance commissioner in writing the balance of the trust, provide a listing of the trust's investments at the preceding year end, and certify the date of termination of the trust, if so planned, or certify that the trust will not expire prior to the following December 31.

(3) The following requirements apply to the following categories of assuming insurer:

(a) The trust fund for a single assuming insurer shall consist of funds in trust in an amount not less than the assuming insurer's liabilities attributable to reinsurance ceded by U.S. ceding insurers, and, in addition, the assuming insurer shall maintain a trusteed surplus of not less than twenty million dollars ($20,000,000), except as provided in Paragraph 3(b) of this subsection.

(b) At any time after the assuming insurer has permanently discontinued underwriting new business secured by the trust for at least three (3) full years, the insurance commissioner with principal regulatory oversight of the trust may authorize a reduction in the required trusteed surplus, but only after a finding, based on an assessment of the risk, that the new required surplus level is adequate for the protection of U.S. ceding insurers, policyholders, and claimants in light of reasonably foreseeable adverse loss

development. The risk assessment may involve an actuarial review, including an independent analysis of reserves and cash flows, and shall consider all material risk factors, including when applicable the lines of business involved, the stability of the incurred loss estimates and the effect of the surplus requirements on the assuming insurer's liquidity or solvency. The minimum required trusteed surplus may not be reduced to an amount less than thirty percent (30%) of the assuming insurer's liabilities attributable to reinsurance ceded by U.S. ceding insurers covered by the trust.

(c) (i) In the case of a group including incorporated and individual unincorporated underwriters:

(I) for reinsurance ceded under reinsurance agreements with an inception, amendment, or renewal date on or after January 1, 1993, the trust shall consist of a trusteed account in an amount not less than the respective underwriters' several liabilities attributable to business ceded by U.S. domiciled ceding insurers to any underwriter of the group;

(II) for reinsurance ceded under reinsurance agreements with an inception date on or before December 31, 1992, and not amended or renewed after that date, notwithstanding the other provisions of this chapter, the trust shall consist of a trusteed account in an amount not less than the respective underwriters' several insurance and reinsurance liabilities attributable to business written in the United States; and

(III) in addition to these trusts, the group shall maintain in trust a trusteed surplus of which one hundred million dollars ($100,000,000) shall be held jointly for the benefit of the U.S. domiciled ceding insurers of any member of the group for all years of account; and

(ii) the incorporated members of the group shall not be engaged in any business other than underwriting as a member of the group and shall be subject to the same level of regulation and solvency control by the group's

domiciliary regulator as are the unincorporated members; and

(iii) within ninety (90) days after its financial statements are due to be filed with the group's domiciliary regulator, the group shall provide to the insurance commissioner an annual certification by the group's domiciliary regulator of the solvency of each underwriter member; or if a certification is unavailable, financial statements, prepared by independent public accountants, of each underwriter member of the group.

(d) In the case of a group of incorporated underwriters under common administration, the group shall:

(i) have continuously transacted an insurance business outside the United States for at least three (3) years immediately prior to making application for accreditation;

(ii) maintain aggregate policyholders' surplus of at least ten billion dollars ($10,000,000,000);

(iii) maintain a trust fund in an amount not less than the group's several liabilities attributable to business ceded by U.S. domiciled ceding insurers to any member of the group pursuant to reinsurance contracts issued in the name of the group;

(iv) in addition, maintain a joint trusteed surplus of which one hundred million dollars ($100,000,000) shall be held jointly for the benefit of U.S. domiciled ceding insurers of any member of the group as additional security for these liabilities; and

(v) within ninety (90) days after its financial statements are due to be filed with the group's domiciliary regulator, make available to the insurance commissioner an annual certification of each underwriter member's solvency by the member's domiciliary regulator and financial statements of each underwriter member of the group prepared by its independent public accountant.

E. Credit shall be allowed when the reinsurance is ceded to an assuming insurer that has been certified by the insurance

commissioner as a reinsurer in Indiana and secures its obligations in accordance with the requirements of this subsection.

(1) In order to be eligible for certification, the assuming insurer shall meet all of the following requirements:

(a) The assuming insurer must be domiciled and licensed to transact insurance or reinsurance in a qualified jurisdiction, as determined by the insurance commissioner pursuant to Paragraph (3) of this subsection.

(b) The assuming insurer must maintain minimum capital and surplus, or its equivalent, in an amount to be determined by the insurance commissioner pursuant to regulation.

(c) The assuming insurer must maintain financial strength ratings from two (2) or more rating agencies deemed acceptable by the insurance commissioner pursuant to regulation.

(d) The assuming insurer must agree to submit to the jurisdiction of Indiana, appoint the insurance commissioner as its agent for service of process in Indiana, and agree to provide security for one hundred percent (100%) of the assuming insurer's liabilities attributable to reinsurance ceded by U.S. ceding insurers if it resists enforcement of a final U.S. judgment.

(e) The assuming insurer must agree to meet applicable information filing requirements as determined by the insurance commissioner, both with respect to an initial application for certification and on an ongoing basis.

(f) The assuming insurer must satisfy any other requirements for certification deemed relevant by the insurance commissioner.

(2) An association including incorporated and individual unincorporated underwriters may be a certified reinsurer. In order to be eligible for certification, in addition to satisfying requirements of Paragraph (1) of this subsection:

(a) the association shall satisfy its minimum capital and surplus requirements through the capital and surplus

equivalents (net of liabilities) of the association and its members, which shall include a joint central fund that may be applied to any unsatisfied obligation of the association or any of its members, in an amount determined by the insurance commissioner to provide adequate protection;

(b) the incorporated members of the association shall not be engaged in any business other than underwriting as a member of the association and shall be subject to the same level of regulation and solvency control by the association's domiciliary regulator as are the unincorporated members; and

(c) within ninety (90) days after its financial statements are due to be filed with the association's domiciliary regulator, the association shall provide to the insurance commissioner an annual certification by the association's domiciliary regulator of the solvency of each underwriter member; or if a certification is unavailable, financial statements, prepared by independent public accountants, of each underwriter member of the association.

(3) The insurance commissioner shall create and publish a list of qualified jurisdictions, under which an assuming insurer licensed and domiciled in such jurisdiction is eligible to be considered for certification by the insurance commissioner as a certified reinsurer.

(a) In order to determine whether the domiciliary jurisdiction of a non-U.S. assuming insurer is eligible to be recognized as a qualified jurisdiction, the insurance commissioner shall evaluate the appropriateness and effectiveness of the reinsurance supervisory system of the jurisdiction, both initially and on an ongoing basis, and consider the rights, benefits and the extent of reciprocal recognition afforded by the non-U.S. jurisdiction to reinsurers licensed and domiciled in the U.S. A qualified jurisdiction must agree to share information and cooperate with the insurance commissioner with respect to all certified reinsurers domiciled within that jurisdiction. A jurisdiction may not be recognized as a qualified

jurisdiction if the insurance commissioner has determined that the jurisdiction does not adequately and promptly enforce final U.S. judgments and arbitration awards. Additional factors may be considered in the discretion of the insurance commissioner.

(b) A list of qualified jurisdictions shall be published through the NAIC Committee Process. The insurance commissioner shall consider this list in determining qualified jurisdictions. If the insurance commissioner approves a jurisdiction as qualified that does not appear on the list of qualified jurisdictions, the commissioner shall provide thoroughly documented justification in accordance with criteria to be developed under regulations.

(c) U.S. jurisdictions that meet the requirement for accreditation under the NAIC financial standards and accreditation program shall be recognized as qualified jurisdictions.

(d) If a certified reinsurer's domiciliary jurisdiction ceases to be a qualified jurisdiction, the insurance commissioner has the discretion to suspend the reinsurer's certification indefinitely, in lieu of revocation.

(4) The insurance commissioner shall assign a rating to each certified reinsurer, giving due consideration to the financial strength ratings that have been assigned by rating agencies deemed acceptable to the insurance commissioner pursuant to regulation. The insurance commissioner shall publish a list of all certified reinsurers and their ratings.

(5) A certified reinsurer shall secure obligations assumed from U.S. ceding insurers under this subsection at a level consistent with its rating, as specified in regulations promulgated by the insurance commissioner.

(a) In order for a domestic ceding insurer to qualify for full financial statement credit for reinsurance ceded to a certified reinsurer, the certified reinsurer shall maintain security in a form acceptable to the insurance commissioner and consistent with the provisions of Section 3 of this chapter, or in a multibeneficiary trust in

accordance with Subsection D, except as otherwise provided in this subsection.

(b) If a certified reinsurer maintains a trust to fully secure its obligations subject to Subsection D, and chooses to secure its obligations incurred as a certified reinsurer in the form of a multibeneficiary trust, the certified reinsurer shall maintain separate trust accounts for its obligations incurred under reinsurance agreements issued or renewed as a certified reinsurer with reduced security as permitted by this subsection or comparable laws of other U.S. jurisdictions and for its obligations subject to Subsection D. It shall be a condition to the grant of certification under this subsection that the certified reinsurer shall have bound itself, by the language of the trust and agreement with the insurance commissioner with principal regulatory oversight of each such trust account, to fund, upon termination of any such trust account, out of the remaining surplus of such trust any deficiency of any other such trust account.

(c) The minimum trusteed surplus requirements provided in Subsection D are not applicable with respect to a multibeneficiary trust maintained by a certified reinsurer for the purpose of securing obligations incurred under this subsection, except that such trust shall maintain a minimum trusteed surplus of ten million dollars ($10,000,000).

(d) With respect to obligations incurred by a certified reinsurer under this subsection, if the security is insufficient, the insurance commissioner shall reduce the allowable credit by an amount proportionate to the deficiency, and has the discretion to impose further reductions in allowable credit upon finding that there is a material risk that the certified reinsurer's obligations will not be paid in full when due.

(e) For purposes of this subsection, a certified reinsurer whose certification has been terminated for any reason shall be treated as a certified reinsurer required to secure

one hundred percent (100%) of its obligations.

(i) As used in this subsection, the term "terminated" refers to revocation, suspension, voluntary surrender, and inactive status.

(ii) If the insurance commissioner continues to assign a higher rating as permitted by other provisions of this section, this requirement does not apply to a certified reinsurer in inactive status or to a reinsurer whose certification has been suspended.

(6) If an applicant for certification has been certified as a reinsurer in an NAIC accredited jurisdiction, the insurance commissioner has the discretion to defer to that jurisdiction's certification, and has the discretion to defer to the rating assigned by that jurisdiction, and such assuming insurer shall be considered to be a certified reinsurer in Indiana.

(7) A certified reinsurer that ceases to assume new business in Indiana may request to maintain its certification in inactive status in order to continue to qualify for a reduction in security for its in force business. An inactive certified reinsurer shall continue to comply with all applicable requirements of this subsection, and the insurance commissioner shall assign a rating that takes into account, if relevant, the reasons why the reinsurer is not assuming new business.

F. (1) Credit shall be allowed when the reinsurance is ceded to an assuming insurer meeting each of the conditions set forth below.

(a) The assuming insurer must have its head office or be domiciled in, as applicable, and be licensed in a Reciprocal Jurisdiction. A "Reciprocal Jurisdiction" is a jurisdiction that meets one (1) of the following:

(i) A non-U.S. jurisdiction that is subject to an in force covered agreement with the United States, each within its legal authority, or, in the case of a covered agreement between the United States and European Union, is a member state of the European Union. For purposes of this subsection, a "covered agreement" is an agreement

entered into pursuant to Dodd-Frank Wall Street Reform and Consumer Protection Act, 31 U.S.C. 313 and 31 U.S.C 314, that is currently in effect or in a period of provisional application and addresses the elimination, under specified conditions, of collateral requirements as a condition for entering into any reinsurance agreement with a ceding insurer domiciled in Indiana or for allowing the ceding insurer to recognize credit for reinsurance.

(ii) A U.S. jurisdiction that meets the requirements for accreditation under the NAIC financial standards and accreditation program.

(iii) A qualified jurisdiction, as determined by the insurance commissioner pursuant to Subsection E(3), which is not otherwise described in Subparagraphs (a)(i) or (a)(ii) and which meets certain additional requirements, consistent with the terms and conditions of in force covered agreements, as specified by the insurance commissioner in regulation.

(b) The assuming insurer must have and maintain, on an ongoing basis, minimum capital and surplus, or its equivalent, calculated according to the methodology of its domiciliary jurisdiction, in an amount to be set forth in regulation. If the assuming insurer is an association, including incorporated and individual unincorporated underwriters, it must have and maintain, on an ongoing basis, minimum capital and surplus equivalents (net of liabilities), calculated according to the methodology applicable in its domiciliary jurisdiction, and a central fund containing a balance in amounts to be set forth in regulation.

(c) The assuming insurer must have and maintain, on an ongoing basis, a minimum solvency or capital ratio, as applicable, which will be set forth in regulation. If the assuming insurer is an association, including incorporated and individual unincorporated underwriters, it must have and maintain, on an ongoing basis, a minimum solvency or

capital ratio in the Reciprocal Jurisdiction where the assuming insurer has its head office or is domiciled, as applicable, and is also licensed.

(d) The assuming insurer must agree and provide adequate assurance to the insurance commissioner, in a form specified by the insurance commissioner pursuant to regulation, as follows:

(i) The assuming insurer must provide prompt written notice and explanation to the insurance commissioner if it falls below the minimum requirements set forth in Subparagraph (b) or (c) of this section, or if any regulatory action is taken against it for serious noncompliance with applicable law.

(ii) The assuming insurer must consent in writing to the jurisdiction of the courts of Indiana and to the appointment of the insurance commissioner as agent for service of process. The insurance commissioner may require that consent for service of process be provided to the insurance commissioner and included in each reinsurance agreement. Nothing in this provision shall limit, or in any way alter, the capacity of parties to a reinsurance agreement to agree to alternative dispute resolution mechanisms, except to the extent such agreements are unenforceable under applicable insolvency or delinquency laws.

(iii) The assuming insurer must consent in writing to pay all final judgments, wherever enforcement is sought, obtained by a ceding insurer or its legal successor, that have been declared enforceable in the jurisdiction where the judgment was obtained.

(iv) Each reinsurance agreement must include a provision requiring the assuming insurer to provide security in an amount equal to one hundred percent (100%) of the assuming insurer's liabilities attributable to reinsurance ceded pursuant to that agreement if the assuming insurer resists enforcement of a final judgment that is enforceable under the law of the jurisdiction in

which it was obtained or a properly enforceable arbitration award, whether obtained by the ceding insurer or by its legal successor on behalf of its resolution estate.

(v) The assuming insurer must confirm that it is not presently participating in any solvent scheme of arrangement which involves Indiana's ceding insurers, and agree to notify the ceding insurer and the insurance commissioner and to provide security in an amount equal to one hundred percent (100%) of the assuming insurer's liabilities to the ceding insurer, should the assuming insurer enter into such a solvent scheme of arrangement. Such security shall be in a form consistent with the provisions of Subsection E and Section 3 of this chapter and as specified by the insurance commissioner in regulation.

(e) The assuming insurer or its legal successor must provide, if requested by the insurance commissioner, on behalf of itself and any legal predecessors, certain documentation to the insurance commissioner, as specified by the insurance commissioner in regulation.

(f) The assuming insurer must maintain a practice of prompt payment of claims under reinsurance agreements, pursuant to criteria set forth in regulation.

(g) The assuming insurer's supervisory authority must confirm to the insurance commissioner on an annual basis, as of the preceding December 31 or at the annual date otherwise statutorily reported to the Reciprocal Jurisdiction, that the assuming insurer complies with the requirements set forth in Subparagraphs (b) and (c) of this section.

(h) Nothing in this provision precludes an assuming insurer from providing the insurance commissioner with information on a voluntary basis.

(2) The insurance commissioner shall timely create and publish a list of Reciprocal Jurisdictions.

(a) A list of Reciprocal Jurisdictions is published through

the NAIC Committee Process. The insurance commissioner's list shall include any Reciprocal Jurisdiction as defined under Subsection F(1)(a)(i) and F(1)(a)(ii), and shall consider any other Reciprocal Jurisdiction included on the NAIC list. The insurance commissioner may approve a jurisdiction that does not appear on the NAIC list of Reciprocal Jurisdictions in accordance with criteria to be developed under regulations issued by the insurance commissioner.

(b) The insurance commissioner may remove a jurisdiction from the list of Reciprocal Jurisdictions upon a determination that the jurisdiction no longer meets the requirements of a Reciprocal Jurisdiction, in accordance with a process set forth in regulations issued by the insurance commissioner, except that the insurance commissioner shall not remove from the list a Reciprocal Jurisdiction as defined under Subsection F(1)(a)(i) and F(1)(a)(ii). Upon removal of a Reciprocal Jurisdiction from this list credit for reinsurance ceded to an assuming insurer which has its home office or is domiciled in that jurisdiction shall be allowed, if otherwise allowed pursuant to Indiana law.

(3) The insurance commissioner shall timely create and publish a list of assuming insurers that have satisfied the conditions set forth in this subsection and to which cessions shall be granted credit in accordance with this subsection. The insurance commissioner may add an assuming insurer to such list if an NAIC accredited jurisdiction has added such assuming insurer to a list of such assuming insurers or if, upon initial eligibility, the assuming insurer submits the information to the insurance commissioner as required under Paragraph (1)(d) of this subsection and complies with any additional requirements that the insurance commissioner may impose by regulation, except to the extent that they conflict with an applicable covered agreement.

(4) If the insurance commissioner determines that an assuming insurer no longer meets one (1) or more of the

requirements under this subsection, the insurance commissioner may revoke or suspend the eligibility of the assuming insurer for recognition under this subsection in accordance with procedures set forth in regulation.

(a) While an assuming insurer's eligibility is suspended, no reinsurance agreement issued, amended, or renewed after the effective date of the suspension qualifies for credit except to the extent that the assuming insurer's obligations under the contract are secured in accordance with Section 3 of this chapter.

(b) If an assuming insurer's eligibility is revoked, no credit for reinsurance may be granted after the effective date of the revocation with respect to any reinsurance agreements entered into by the assuming insurer, including reinsurance agreements entered into prior to the date of revocation, except to the extent that the assuming insurer's obligations under the contract are secured in a form acceptable to the insurance commissioner and consistent with the provisions of Section 3 of this chapter.

(5) If subject to a legal process of rehabilitation, liquidation, or conservation, as applicable, the ceding insurer, or its representative, may seek and, if determined appropriate by the court in which the proceedings are pending, may obtain an order requiring that the assuming insurer post security for all outstanding ceded liabilities.

(6) Nothing in this subsection shall limit or in any way alter the capacity of parties to a reinsurance agreement to agree on requirements for security or other terms in that reinsurance agreement, except as expressly prohibited by this chapter or other applicable law or regulation.

(7) Credit may be taken under this subsection only for reinsurance agreements entered into, amended, or renewed on or after the effective date of the statute adding this subsection, and only with respect to losses incurred and reserves reported on or after the later of: (i) the date on which the assuming insurer has met all eligibility requirements pursuant to Subsection F(1) herein; and (ii) the effective date of the new

reinsurance agreement, amendment, or renewal.

(a) This paragraph does not alter or impair a ceding insurer's right to take credit for reinsurance, to the extent that credit is not available under this subsection, as long as the reinsurance qualifies for credit under any other applicable provision of this chapter.

(b) Nothing in this subsection shall authorize an assuming insurer to withdraw or reduce the security provided under any reinsurance agreement except as permitted by the terms of the agreement.

(c) Nothing in this subsection shall limit, or in any way alter, the capacity of parties to any reinsurance agreement to renegotiate the agreement.

G. Credit shall be allowed when the reinsurance is ceded to an assuming insurer not meeting the requirements of Subsection A, B, C, D, E, or F, but only as to the insurance of risks located in jurisdictions where the reinsurance is required by applicable law or regulation of that jurisdiction.

H. If the assuming insurer is not licensed, accredited or certified to transact insurance or reinsurance in Indiana, the credit permitted by Subsections C and D shall not be allowed unless the assuming insurer agrees in the reinsurance agreements:

(1) (a) That in the event of the failure of the assuming insurer to perform its obligations under the terms of the reinsurance agreement, the assuming insurer, at the request of the ceding insurer, shall submit to the jurisdiction of any court of competent jurisdiction in any state of the United States, will comply with all requirements necessary to give the court jurisdiction, and will abide by the final decision of the court or of any appellate court in the event of an appeal; and

(b) To designate the insurance commissioner or a designated attorney as its true and lawful attorney upon whom may be served any lawful process in any action, suit, or proceeding instituted by or on behalf of the ceding insurer.

(2) This subsection is not intended to conflict with or override

the obligation of the parties to a reinsurance agreement to arbitrate their disputes, if this obligation is created in the agreement.

I. If the assuming insurer does not meet the requirements of Subsection A, B, C, or F, the credit permitted by Subsection D or E shall not be allowed unless the assuming insurer agrees in the trust agreements to all of the following conditions:

(1) Notwithstanding any other provisions in the trust instrument, if the trust fund is inadequate because it contains an amount less than the amount required by Subsection D(3), or if the grantor of the trust has been declared insolvent or placed into receivership, rehabilitation, liquidation, or similar proceedings under the laws of its state or country of domicile, the trustee shall comply with an order of the insurance commissioner with regulatory oversight over the trust or with an order of a court of competent jurisdiction directing the trustee to transfer to the insurance commissioner with regulatory oversight all of the assets of the trust fund.

(2) The assets shall be distributed by and claims shall be filed with and valued by the insurance commissioner with regulatory oversight in accordance with the laws of the state in which the trust is domiciled that are applicable to the liquidation of domestic insurance companies.

(3) If the insurance commissioner with regulatory oversight determines that the assets of the trust fund or any part thereof are not necessary to satisfy the claims of the U.S. ceding insurers of the grantor of the trust, the assets or part thereof shall be returned by the insurance commissioner with regulatory oversight to the trustee for distribution in accordance with the trust agreement.

(4) The grantor shall waive any right otherwise available to it under U.S. law that is inconsistent with this provision.

J. If an accredited or certified reinsurer ceases to meet the requirements for accreditation or certification, the insurance commissioner may suspend or revoke the reinsurer's accreditation or certification.

(1) The insurance commissioner must give the reinsurer notice

and opportunity for hearing. The suspension or revocation may not take effect until after the insurance commissioner's order on hearing, unless:

(a) the reinsurer waives its right to hearing;

(b) the insurance commissioner's order is based on regulatory action by the reinsurer's domiciliary jurisdiction or the voluntary surrender or termination of the reinsurer's eligibility to transact insurance or reinsurance business in its domiciliary jurisdiction or in the primary certifying state of the reinsurer under Subsection E(6); or

(c) the insurance commissioner finds that an emergency requires immediate action and a court of competent jurisdiction has not stayed the insurance commissioner's action.

(2) While a reinsurer's accreditation or certification is suspended, no reinsurance contract issued or renewed after the effective date of the suspension qualifies for credit except to the extent that the reinsurer's obligations under the contract are secured in accordance with Section 3 of this chapter. If a reinsurer's accreditation or certification is revoked, no credit for reinsurance may be granted after the effective date of the revocation except to the extent that the reinsurer's obligations under the contract are secured in accordance with Subsection E(5) or Section 3 of this chapter.

K. Concentration Risk.

(1) A ceding insurer shall take steps to manage its reinsurance recoverables proportionate to its own book of business. A domestic ceding insurer shall notify the insurance commissioner within thirty (30) days after reinsurance recoverables from any single assuming insurer, or group of affiliated assuming insurers, exceeds fifty percent (50%) of the domestic ceding insurer's last reported surplus to policyholders, or after it is determined that reinsurance recoverables from any single assuming insurer, or group of affiliated assuming insurers, is likely to exceed this limit. The notification shall demonstrate that the exposure is safely

managed by the domestic ceding insurer.

(2) A ceding insurer shall take steps to diversify its reinsurance program. A domestic ceding insurer shall notify the insurance commissioner within thirty (30) days after ceding to any single assuming insurer, or group of affiliated assuming insurers, more than twenty percent (20%) of the ceding insurer's gross written premium in the prior calendar year, or after it has determined that the reinsurance ceded to any single assuming insurer, or group of affiliated assuming insurers, is likely to exceed this limit. The notification shall demonstrate that the exposure is safely managed by the domestic ceding insurer.

Sec. 3. Asset or Reduction from Liability for Reinsurance Ceded by a Domestic Insurer to an Assuming Insurer not Meeting the Requirements of Section 2 of this chapter. An asset or a reduction from liability for the reinsurance ceded by a domestic insurer to an assuming insurer not meeting the requirements of Section 2 of this chapter shall be allowed in an amount not exceeding the liabilities carried by the ceding insurer; provided further, that the insurance commissioner may adopt by regulation pursuant to Section 5B of this chapter specific additional requirements relating to or setting forth: (1) the valuation of assets or reserve credits; (2) the amount and forms of security supporting reinsurance arrangements described in Section 5B of this chapter; and/or (3) the circumstances pursuant to which credit will be reduced or eliminated. The reduction shall be in the amount of funds held by or on behalf of the ceding insurer, including funds held in trust for the ceding insurer, under a reinsurance contract with the assuming insurer as security for the payment of obligations thereunder, if the security is held in the United States subject to withdrawal solely by, and under the exclusive control of, the ceding insurer; or, in the case of a trust, held in a qualified U.S. financial institution, as defined in Section 4B of this chapter. This security may be in the form of:

A. cash;

B. securities listed by the Securities Valuation Office of the NAIC, including those deemed exempt from filing as defined

by the Purposes and Procedures Manual of the Securities Valuation Office, and qualifying as admitted assets;

C. (1) clean, irrevocable, unconditional letters of credit, issued or confirmed by a qualified U.S. financial institution, as defined in Section 4A of this chapter, effective no later than December 31 of the year for which the filing is being made, and in the possession of, or in trust for, the ceding insurer on or before the filing date of its annual statement;

(2) letters of credit meeting applicable standards of issuer acceptability as of the dates of their issuance (or confirmation) shall, notwithstanding the issuing (or confirming) institution's subsequent failure to meet applicable standards of issuer acceptability, continue to be acceptable as security until their expiration, extension, renewal, modification, or amendment, whichever first occurs; or

D. any other form of security acceptable to the insurance commissioner.

Sec. 4. Qualified U.S. Financial Institutions

A. For purposes of Section 3C of this chapter, a "qualified U.S. financial institution" means an institution that:

(1) is organized or (in the case of a U.S. office of a foreign banking organization) licensed, under the laws of the United States or any state thereof;

(2) is regulated, supervised, and examined by U.S. federal or state authorities having regulatory authority over banks and trust companies; and

(3) has been determined by either the commissioner or the Securities Valuation Office of the NAIC to meet such standards of financial condition and standing as are considered necessary and appropriate to regulate the quality of financial institutions whose letters of credit will be acceptable to the commissioner.

B. A "qualified U.S. financial institution" means, for purposes of those provisions of this chapter specifying those institutions that are eligible to act as a fiduciary of a trust, an institution that:

(1) is organized, or, in the case of a U.S. branch or agency

office of a foreign banking organization, licensed, under the laws of the United States or any state thereof and has been granted authority to operate with fiduciary powers; and

(2) is regulated, supervised and examined by federal or state authorities having regulatory authority over banks and trust companies.

Sec. 5. Rules and Regulations.

A. The insurance commissioner may adopt rules and regulations under IC 4-22-2 implementing the provisions of this chapter.

B. The insurance commissioner is further authorized to adopt rules and regulations under IC 4-22-2 applicable to reinsurance arrangements described in Paragraph (1) of this subsection.

(1) A regulation adopted pursuant to this subsection may apply only to reinsurance relating to:

(a) life insurance policies with guaranteed nonlevel gross premiums or guaranteed nonlevel benefits;

(b) universal life insurance policies with provisions resulting in the ability of a policyholder to keep a policy in force over a secondary guarantee period;

(c) variable annuities with guaranteed death or living benefits;

(d) long term care insurance policies; or

(e) such other life and health insurance and annuity products as to which the NAIC adopts model regulatory requirements with respect to credit for reinsurance.

(2) A regulation adopted pursuant to Paragraph 1(a) or 1(b) of this subsection may apply to any treaty containing: (i) policies issued on or after January 1, 2015; and/or (ii) policies issued prior to January 1, 2015, if risk pertaining to such pre-2015 policies is ceded in connection with the treaty, in whole or in part, on or after January 1, 2015.

(3) A regulation adopted pursuant to this subsection may require the ceding insurer, in calculating the amounts or forms of security required to be held under regulations promulgated under this authority, to use the Valuation

Manual adopted by the NAIC under Section 11B(1) of the NAIC Standard Valuation Law, including all amendments adopted by the NAIC and in effect on the date as of which the calculation is made, to the extent applicable.

(4) A regulation adopted pursuant to this subsection shall not apply to cessions to an assuming insurer that:

(a) meets the conditions set forth in Section 2F of this chapter in Indiana;

(b) is certified in Indiana; or

(c) maintains at least two hundred fifty million dollars ($250,000,000) in capital and surplus when determined in accordance with the NAIC Accounting Practices and Procedures Manual, including all amendments thereto adopted by the NAIC, excluding the impact of any permitted or prescribed practices; and is:

(i) licensed in at least twenty-six (26) states; or

(ii) licensed in at least ten (10) states, and licensed or accredited in a total of at least thirty-five (35) states.

(5) The authority to adopt regulations pursuant to this subsection does not limit the insurance commissioner's general authority to adopt regulations pursuant to Subsection A.

Sec. 6. Reinsurance Agreements Affected. This chapter shall apply to all cessions after June 30, 2020, under reinsurance agreements that have an inception, anniversary, or renewal date not less than six (6) months after July 1, 2020.

SECTION 13. IC 27-7-5-2, AS AMENDED BY P.L.208-2018, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 2. (a) Except as provided in subsections (d), (f), and (h), the insurer shall make available, in each automobile liability or motor vehicle liability policy of insurance which is delivered or issued for delivery in this state with respect to any motor vehicle registered or principally garaged in this state, insuring against loss resulting from liability imposed by law for bodily injury or death suffered by any person and for injury to or destruction of property to others arising from the ownership, maintenance, or use of a motor vehicle, or in a supplement to such a policy, the following types of coverage:

(1) in limits for bodily injury or death and for injury to or destruction of property not less than those set forth in IC 9-25-4-5 under policy provisions approved by the commissioner of insurance, for the protection of persons insured under the policy who are legally entitled to recover damages from owners or operators of uninsured or underinsured motor vehicles because of bodily injury, sickness or disease, including death, and for the protection of persons insured under the policy who are legally entitled to recover damages from owners or operators of uninsured motor vehicles for injury to or destruction of property resulting therefrom; or

(2) in limits for bodily injury or death not less than those set forth in IC 9-25-4-5 under policy provisions approved by the commissioner of insurance, for the protection of persons insured under the policy provisions who are legally entitled to recover damages from owners or operators of uninsured or underinsured motor vehicles because of bodily injury, sickness or disease, including death resulting therefrom.

The uninsured and underinsured motorist coverages must be provided by insurers for either a single premium or for separate premiums, in limits at least equal to the limits of liability specified in the bodily injury liability provisions of an insured's policy, unless such coverages have been rejected in writing by the insured. However, underinsured motorist coverage must be made available in limits of not less than fifty thousand dollars ($50,000). At the insurer's option, the bodily injury liability provisions of the insured's policy may be required to be equal to the insured's underinsured motorist coverage. Insurers may not sell or provide underinsured motorist coverage in an amount less than fifty thousand dollars ($50,000). Insurers must make underinsured motorist coverage available to all existing policyholders on the date of the first renewal of existing policies that occurs on or after January 1, 1995, and on any policies newly issued or delivered on or after January 1, 1995. Uninsured motorist coverage or underinsured motorist coverage may be offered by an insurer in an amount exceeding the limits of liability specified in the bodily injury and property damage liability provisions of the insured's policy.

(b) A named insured of an automobile or motor vehicle liability

policy has the right, in writing, to:

(1) reject both the uninsured motorist coverage and the underinsured motorist coverage provided for in this section; or

(2) reject either the uninsured motorist coverage alone or the underinsured motorist coverage alone, if the insurer provides the coverage not rejected separately from the coverage rejected.

A rejection of coverage under this subsection by a named insured is a rejection on behalf of all other named insureds, all other insureds, and all other persons entitled to coverage under the policy. No insured may have uninsured motorist property damage liability insurance coverage under this section unless the insured also has uninsured motorist bodily injury liability insurance coverage under this section. Following rejection of either or both uninsured motorist coverage or underinsured motorist coverage, unless later requested in writing, the insurer need not offer uninsured motorist coverage or underinsured motorist coverage in or supplemental to a renewal or replacement policy issued to the same insured by the same insurer or a subsidiary or an affiliate of the originally issuing insurer. Renewals of policies issued or delivered in this state which have undergone interim policy endorsement or amendment do not constitute newly issued or delivered policies for which the insurer is required to provide the coverages described in this section.

(c) A rejection under subsection (b) must specify:

(1) that the named insured is rejecting:

(A) the uninsured motorist coverage;

(B) the underinsured motorist coverage; or

(C) both the uninsured motorist coverage and the underinsured motorist coverage;

that would otherwise be provided under the policy; and

(2) the date on which the rejection is effective.

(d) The following apply to the coverage described in subsection (a) in connection with a commercial umbrella or excess liability policy, including a commercial umbrella or excess liability policy that is issued or delivered to a motor carrier (as defined in IC 8-2.1-17-10) that is in compliance with the minimum levels of financial responsibility set forth in 49 CFR Part 387:

(1) An insurer is not required to make available in a commercial

umbrella or excess liability policy the coverage described in subsection (a).

(2) An insurer that, through a rider or an endorsement, reduces or removes from a commercial umbrella or excess liability policy the coverage described in subsection (a) shall:

(A) through the United States mail; or

(B) by electronic means;

provide to the named insured written notice of the reduction or removal.

(3) An insurer that makes available in a commercial umbrella or excess liability policy the coverage described in subsection (a):

(A) may make available the coverage in limits determined by the insurer; and

(B) is not required to make available the coverage in limits equal to the limits specified in the commercial umbrella or excess liability policy.

(e) A rejection under subsection (b) of uninsured motorist coverage or underinsured motorist coverage in an underlying commercial policy of insurance is also a rejection of uninsured motorist coverage or underinsured motorist coverage in a commercial umbrella or excess liability policy.

(f) An insurer is not required to make available the coverage described in subsection (a) in connection with coverage that:

(1) is related to or included in a commercial policy of property and casualty insurance described in Class 2 or Class 3 of IC 27-1-5-1; and

(2) covers a loss related to a motor vehicle:

(A) of which the insured is not the owner; and

(B) that is used:

(i) by the insured or an agent of the insured; and

(ii) for purposes authorized by the insured.

(g) For purposes of subsection (f), "owner" means:

(1) a person who holds the legal title to a motor vehicle;

(2) a person who rents or leases a motor vehicle and has exclusive use of the motor vehicle for more than thirty (30) days;

(3) the conditional vendee or lessee under an agreement for the conditional sale or lease of a motor vehicle; or

(4) the mortgagor under an agreement for the conditional sale or lease of a motor vehicle under which the mortgagor has:

(A) the right to purchase; and

(B) an immediate right of possession of;

the motor vehicle upon the performance of the conditions stated in the agreement.

(h) The following apply to the coverage described in subsection (a) in relation to a personal umbrella or excess liability policy:

(1) An insurer is not required to make available the coverage described in subsection (a) under a personal umbrella or excess liability policy.

(2) An insurer that reduces or removes, through a rider or an endorsement, coverage described in subsection (a) under a personal umbrella or excess liability policy shall:

(A) through the United States mail; or

(B) by electronic means;

provide to the named insured written notice of the reduction or removal.

(3) An insurer that makes available the coverage described in subsection (a) under a personal umbrella or excess liability policy:

(A) may make available the coverage in limits determined by the insurer; and

(B) is not required to make available the coverage in limits equal to the limits specified in the personal umbrella or excess liability policy.

(4) A rejection under subsection (b) of uninsured motorist coverage or underinsured motorist coverage in an underlying personal policy of insurance is also a rejection of uninsured motorist coverage or underinsured motorist coverage in a personal umbrella or excess liability policy.

SECTION 14. IC 27-8-37 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]:

Chapter 37. Coverage for Pediatric Neuropsychiatric Disorders

Sec. 1. As used in this chapter, "policy of accident and sickness insurance" has the meaning set forth in IC 27-8-5-1, offered on an individual or group basis.

Sec. 2. A policy of accident and sickness insurance must provide coverage for treatment of:

(1) pediatric autoimmune neuropsychiatric disorders associated with streptococcal infections (PANDAS); and

(2) pediatric acute-onset neuropsychiatric syndrome (PANS); including treatment with intravenous immunoglobulin therapy.

Sec. 3. The coverage required by this chapter may not be subject to annual or lifetime limitation, deductible, copayment, or coinsurance provisions that are more restrictive than the annual or lifetime limitation, deductible, copayment, or coinsurance provisions that apply generally under the policy of accident and sickness insurance.

SECTION 15. IC 27-13-4-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1. (a) Subject to section 3 of this chapter, the powers of a health maintenance organization include the following:

(1) The purchase, lease, construction, renovation, operation, or maintenance of:

(A) hospitals and medical facilities;

(B) equipment for hospitals and medical facilities; and

(C) other property reasonably required for the principal office of the health maintenance organization or for purposes necessary in the transaction of the business of the organization.

(2) Engaging in transactions between affiliated entities, including loans and the transfer of responsibility under any or all contracts:

(A) between affiliates; or

(B) between the health maintenance organization and the parent organization of the health maintenance organization.

(3) The furnishing of health care services through:

(A) providers;

(B) provider associations; and

(C) agents for providers;

who are under contract with or are employed by the health maintenance organization. The contracts with providers, provider associations, or agents of providers may include fee for service, cost plus, capitation, or other payment or risk-sharing arrangements.

(4) Contracting with any person for the performance on behalf of the health maintenance organization of certain functions, including:

(A) marketing;

(B) enrollment; and

(C) administration.

(5) Contracting with:

(A) an insurance company licensed in Indiana;

(B) an authorized reinsurer; or

(C) a hospital authorized to conduct business in Indiana;

for the provision of insurance, indemnity, or reimbursement against the cost of health care services provided by the health maintenance organization.

(6) The offering of point-of-service products.

(7) The joint marketing of products with:

(A) an insurance company that is licensed in Indiana; or

(B) a hospital that is authorized to conduct business in Indiana;

if the company that is offering each product is clearly identified.

(8) Administration of the provision of health care services at the expense of a self-funded plan.

(b) A health maintenance organization may offer any of the following:

(1) Plans that include only basic health care services.

(2) Plans that include basic health care services and other health care services.

(3) Plans that include health care services other than basic health care services so long as at least one (1) of the plans offered by the health maintenance organization includes basic health care services.

(c) Notwithstanding subsection (a)(5), a health maintenance organization may not take credit for reinsurance unless the risk is ceded to a reinsurer qualified under ~~IC 27-6-10.~~ **IC 27-6-10.1.**

SECTION 16. IC 27-13-7-26 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 26. (a) An individual contract and a group contract must provide coverage for treatment of:**

(1) pediatric autoimmune neuropsychiatric disorders

associated with streptococcal infections (PANDAS); and

(2) pediatric acute-onset neuropsychiatric syndrome (PANS); including treatment with intravenous immunoglobulin therapy.

(b) The coverage required by this section may not be subject to annual or lifetime limitation, deductible, copayment, or coinsurance provisions that are more restrictive than the annual or lifetime limitation, deductible, copayment, or coinsurance provisions that apply generally under the individual contract or group contract.

SECTION 17. [EFFECTIVE JULY 1, 2020] **(a) IC 5-10-8-24, as added by this act, applies to a state employee health plan that is established, entered into, amended, or renewed after June 30, 2020.**

(b) IC 27-8-37, as added by this act, applies to a policy of accident and sickness insurance that is issued, delivered, amended, or renewed after June 30, 2020.

(c) IC 27-13-7-26, as added by this act, applies to an individual contract or a group contract that is entered into, delivered, amended, or renewed after June 30, 2020.

(d) This SECTION expires July 1, 2023.

SECTION 18. [EFFECTIVE UPON PASSAGE] **(a) The following definitions apply throughout this SECTION:**

(1) "Covered individual" means an individual who is entitled to coverage under a health plan.

(2) "Health care services" has the meaning set forth in IC 27-8-11-1.

(3) "Health plan" means a plan through which coverage is provided for health care services through insurance, prepayment, reimbursement, or otherwise. The term:

(A) includes:

(i) a policy of accident and sickness insurance (as defined in IC 27-8-5-1);

(ii) an individual contract (as defined in IC 27-13-1-21) or a group contract (as defined in IC 27-13-1-16);

(iii) a state employee health plan offered under IC 5-10-8;

(iv) an employee welfare benefit plan (as defined in 29 U.S.C. 1002 et seq.) to the extent allowable under federal

law;

(v) accident only insurance; and

(vi) medicare supplement insurance; but

(B) does not include:

(i) credit, long term care, or disability income insurance;

(ii) liability insurance coverage;

(iii) worker's compensation or similar insurance;

(iv) medical payment coverage;

(v) a specified disease policy issued as an individual policy; or

(vi) a policy that provides a stipulated daily, weekly, or monthly payment to an insured during hospital confinement, without regard to the actual expense of the confinement.

(4) "Medical payment coverage" means an insurance policy benefit that provides payment for expenses incurred by an individual as a result of injury, illness, or death arising from:

(A) the operation of a motor vehicle; or

(B) the presence of an individual on a premises;

that is covered by the insurance policy.

(b) The legislative council is urged to assign to an appropriate interim study committee the task of studying medical payment coverage, including:

(1) whether medical payment coverage should be supplemental to the benefits:

(A) to which a covered individual is entitled under a health plan; and

(B) that are the same as or similar to benefits available to the covered individual under the medical payment coverage; and

(2) whether a health plan should be prohibited from requiring the use or exhaustion of medical payment coverage as a condition of payment of benefits under the health plan for health care services rendered to a covered individual.

(c) This SECTION expires January 1, 2021.

SECTION 19. **An emergency is declared for this act.**

P.L.131-2020
[H.1392. Approved March 18, 2020.]

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

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

SECTION 1. IC 16-18-2-7.3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2021]: **Sec. 7.3. (a) "Advanced practice registered nurse last in attendance" means the individual who pronounced the time of death for a deceased individual.**

(b) For purposes of IC 16-37-3, the term includes an individual who holds a license under IC 25-23 and is practicing as an advanced practice registered nurse and meets the definition of IC 25-23-1-1(b).

SECTION 2. IC 16-18-2-282.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2021]: **Sec. 282.1. (a) "Physician assistant last in attendance" means the individual who pronounced the time of death for a deceased individual.**

(b) For purposes of IC 16-37-3, the term includes an individual who holds a license under IC 25-27.5 and is practicing as a physician assistant under a collaborative agreement that meets the requirements of IC 25-27.5-5-3.

SECTION 3. IC 16-37-1-3.1, AS AMENDED BY P.L.138-2019, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2021]: Sec. 3.1. (a) The state department shall establish the Indiana birth registration system (IBRS) for recording in an electronic format live births in Indiana.

(b) The state department shall establish the Indiana death registration system (IDRS) for recording in an electronic format deaths

in Indiana.

(c) Submission of records on births and deaths shall be entered by:

(1) funeral directors;

(2) physicians;

(3) coroners;

(4) medical examiners;

(5) persons in attendance at birth; ~~and~~

(6) local health departments; **and**

(7) for purposes of records on death:

(A) physician assistants; or

(B) advanced practice registered nurses;

using the electronic system created by the state department under this section.

(d) A person in attendance at a live birth shall report a birth to the local health officer in accordance with IC 16-37-2-2.

(e) Except as provided in subsection (f), death records shall be submitted as follows, using the Indiana death registration system:

(1) The:

(A) physician last in attendance upon the deceased; ~~or~~

(B) physician assistant last in attendance upon the deceased;

(C) advanced practice registered nurse last in attendance upon the deceased; or

~~(B)~~ **(D)** person in charge of interment;

shall initiate the document process. If the person in charge of interment initiates the process, the person in charge of interment shall electronically submit the certificate required under IC 16-37-3-5 to the physician, **the physician assistant, or the advanced practice registered nurse** last in attendance upon the deceased not later than five (5) days after the death.

(2) The physician, **the physician assistant, or the advanced practice registered nurse** last in attendance upon the deceased shall electronically certify to the local health department the cause of death on the certificate of death not later than five (5) days after:

(A) initiating the document process; or

(B) receiving under IC 16-37-3-5 the electronic notification

from the person in charge of interment.

(3) The local health officer shall submit the reports required under IC 16-37-1-5 to the state department not later than five (5) days after electronically receiving under IC 16-37-3-5 the completed certificate of death from the physician, **the physician assistant, or the advanced practice registered nurse** last in attendance.

(f) If the IBRS or IDRS is unavailable for more than forty-eight (48) hours, the state registrar may issue a notice permitting the filing of a paper record of a live birth, a death, or both, subject to the following:

(1) The notice issued by the state registrar must contain a time frame for which the notice is in effect and when the notice expires. However, the notice automatically expires if the state department notifies the local health officers that the IBRS or IDRS is available, the notice has expired, and that all future submissions must use the IBRS or IDRS.

(2) Paper records may not be accepted by the local health department or the state department of health on the earlier of the following:

(A) The expiration date listed in the notice or the expiration listed in a renewal notice described in subdivision (3).

(B) The state department notifies the local health officers when the IBRS or IDRS becomes available.

(3) The notice may be renewed by the state registrar until the IBRS or IDRS becomes available.

(4) Once the IBRS or IDRS becomes available, the local health officer shall enter the information contained in the paper record into the IBRS or IDRS.

SECTION 4. IC 16-37-3-3, AS AMENDED BY P.L.138-2019, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2021]: Sec. 3. Except as provided in IC 16-37-1-3.1(f), the physician, **the physician assistant, or the advanced practice registered nurse** last in attendance upon the deceased, or the person in charge of interment shall use the Indiana death registration system established under IC 16-37-1-3.1 to file a certificate of death with the local health officer of the jurisdiction in which the death occurred.

SECTION 5. IC 16-37-3-4, AS AMENDED BY P.L.156-2011, SECTION 36, IS AMENDED TO READ AS FOLLOWS

[EFFECTIVE JANUARY 1, 2021]: Sec. 4. The physician, **the physician assistant, or the advanced practice registered nurse** last in attendance upon the deceased, or the person in charge of interment shall secure the personal data required by the state department by rules adopted under IC 4-22-2 for preparation of the certificate of death or of stillbirth from the persons best qualified to give the information.

SECTION 6. IC 16-37-3-5, AS AMENDED BY P.L.138-2019, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2021]: Sec. 5. Except as provided in IC 16-37-1-3.1(f), if the person in charge of interment initiates the process, the person in charge of interment shall electronically provide a certificate of death to the physician, **the physician assistant, or the advanced practice registered nurse** last in attendance upon the deceased. The physician, **the physician assistant, or the advanced practice registered nurse** last in attendance upon the deceased shall electronically certify to the local health department the cause of death on the certificate of death, using the Indiana death registration system.

SECTION 7. IC 16-37-3-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2021]: Sec. 6. (a) If:

(1) a death or stillbirth occurred without medical attendance; or

(2) the physician, **the physician assistant, or the advanced practice registered nurse** last in attendance is physically or mentally unable to sign the certificate of death or stillbirth;

the local health officer shall inquire into the cause of death from anyone having knowledge of the facts regarding the cause of death.

(b) The local health officer may issue a subpoena to obtain information and to employ a qualified pathologist to perform an autopsy when, in the judgment of the local health officer, those procedures are required to complete the inquiry. The local health officer shall then certify the cause of death on the basis of the information.

SECTION 8. IC 25-23-1-2, AS AMENDED BY P.L.249-2019, SECTION 99, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 2. (a) There is established the Indiana state board of nursing consisting of nine (9) members appointed by the governor **as follows,** each to serve a term under IC 25-1-6.5:

~~(b)~~ **(1)** Subject to IC 25-1-6.5-3, six (6) of the board members must be registered nurses who are committed to advancing and

safeguarding the nursing profession as a whole. **One (1) of the members appointed under this subdivision must be an advanced practice registered nurse who has, or has had, prescriptive authority.**

(2) Two (2) of the board's members must be licensed practical nurses.

(3) One (1) member of the board, to represent the general public, must be a resident of this state and not be associated with nursing in any way other than as a consumer.

~~(c)~~ **(b)** A member of the board may be removed under IC 25-1-6.5-4.

SECTION 9. IC 25-23-1-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 4. (a) Each registered nurse member of the board required by section 2 of this chapter must:

(1) be a citizen of the United States;

(2) be a resident of Indiana; **and**

(3) have:

(A) graduated from an accredited educational program for the preparation of practitioners of professional nursing;

(B) been licensed as a registered nurse in Indiana;

(C) had at least five (5) years successful experience since graduation in administering, teaching, or practicing in an educational program to prepare practitioners of nursing or in administering or practicing in nursing service; and

(D) been actively engaged in the activities described in clause (C) ~~for at least three (3)~~ **at any time during the five (5)** years immediately preceding **the member's initial** appointment ~~or reappointment; and~~ **to the board.**

~~(4) be actively engaged in the activities described in subdivision (3)(C) throughout the member's term of office.~~

(b) Each licensed practical nurse member of the board required by section 2 of this chapter must:

(1) be a citizen of the United States;

(2) be a resident of Indiana; **and**

(3) have:

(A) graduated from an accredited educational program for the preparation of practitioners of practical nursing;

(B) been licensed as a licensed practical nurse in Indiana;

(C) had at least five (5) years successful experience as a practitioner of practical nursing since graduation; and

(D) been actively engaged in practical nursing ~~for at least three (3)~~ **at any time during the five (5)** years immediately preceding **the member's initial** appointment to the board. ~~and (4) be actively engaged in practice throughout the member's term of office.~~

(c) Before entering upon the discharge of official duties, each member of the board shall file the constitutional oath of office in the office of the secretary of state.

SECTION 10. [EFFECTIVE JULY 1, 2020] **(a) Notwithstanding IC 25-23-1-2, as amended by this act, a member of the Indiana state board of nursing serving on June 30, 2020, may serve the remainder of the member's unexpired term under the membership requirements of IC 25-23-1-2, before its amendment by this act.**

(b) This SECTION expires December 31, 2024.

P.L.132-2020

[H.1419. Approved March 18, 2020.]

AN ACT to amend the Indiana Code concerning education.

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

SECTION 1. IC 4-3-27-3, AS AMENDED BY P.L.143-2019, SECTION 2, AND AS AMENDED BY P.L.237-2019, SECTION 1, AND AS AMENDED BY THE TECHNICAL CORRECTIONS BILL OF THE 2020 GENERAL ASSEMBLY, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 3. The governor's workforce cabinet is established under the applicable state and federal programs to do the following:

(1) Review the services and use of funds and resources under applicable state and federal programs and advise the governor, *general assembly, commission for higher education, and state board of education* on methods of coordinating the services and use of funds and resources consistent with the laws and regulations governing the particular applicable state and federal programs.

(2) Advise the governor, *general assembly, commission for higher education, and state board of education* on:

(A) the development and implementation of state and local standards and measures; and

(B) the coordination of the standards and measures;

concerning the applicable federal programs.

(3) Perform the duties as set forth in federal law of the particular advisory bodies for applicable federal programs described in section 4 of this chapter.

(4) Identify the workforce needs in Indiana and recommend to the governor, *general assembly, commission for higher education, and state board of education* goals to meet the investment needs.

(5) Recommend to the governor, *general assembly, commission for higher education, and state board of education* goals for the development and coordination of the talent development system in Indiana.

(6) Prepare and recommend to the governor, *general assembly, commission for higher education, and state board of education* a strategic plan to accomplish the goals developed under subdivisions (4) and (5).

(7) Monitor and direct the implementation of and evaluate the effectiveness of the strategic plan described in subdivision (6).

(8) Advise the governor, *general assembly, commission for higher education, and state board of education* on the coordination of federal, state, and local education and training programs and on the allocation of state and federal funds in Indiana to promote effective services, service delivery, and innovative programs.

(9) Review and approve regional workforce development board plans, and work with regional workforce development boards to

determine appropriate metrics for workforce programming at the state and local levels.

(10) Design for implementation a comprehensive career navigation and coaching system as described in section 11 of this chapter.

(11) Conduct a systematic and comprehensive review, analysis, and evaluation of workforce funding described in section 12 of this chapter.

(12) Conduct a systematic and comprehensive review, analysis, and evaluation of the college and career funding described in section 13 of this chapter.

(13) Based on the reviews in sections 12 and 13 of this chapter, direct the appropriate state agencies to implement administrative changes to the delivery of these programs that align with Indiana's workforce goals, and make recommendations to:

(A) the governor;

(B) the commission for higher education;

(C) the state board of education; and

(D) the ~~*legislative council*~~ *general assembly* in an ~~*in*~~ electronic format under IC 5-14-6;

on possible legislative changes in the future.

(14) Study the advisability of establishing one (1) or more real world career readiness programs as described in section 14 of this chapter and report to:

(A) the governor;

(B) the commission for higher education;

(C) the state board of education; and

(D) the ~~*legislative council*~~ *general assembly* in an electronic format under IC 5-14-6;

concerning the results of the study.

(15) Conduct a systematic and comprehensive review, analysis, and evaluation of whether:

(A) Indiana's primary, secondary, and postsecondary education systems are aligned with employer needs; and

(B) Indiana's students and workforce are prepared for success in the twenty-first century economy.

(16) Create a comprehensive strategic plan to ensure alignment between Indiana's primary, secondary, and postsecondary

education systems with Indiana's workforce training programs and employer needs.

~~*(15)*~~ **(17)** *Administer the workforce diploma reimbursement program established by IC 22-4.1-27-7.*

(18) Work with stakeholders from early learning to the workforce to establish alignment and coordination between the early learning advisory committee (established by IC 12-17.2-3.8-5), state board of education, commission for higher education, and department of workforce development.

~~*(17)*~~ ~~*(16)*~~ ~~(18)~~ **(19)** Carry out other policy duties and tasks as assigned by the governor.

SECTION 2. IC 4-3-27-5, AS AMENDED BY SEA 272-2020, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 5. (a) The membership of the governor's workforce cabinet established under section 3 of this chapter consists of at least ~~twenty-three~~ ~~(23)~~ **thirty-one (31)** members as follows:

(1) A chairperson appointed by the governor.

(2) The secretary of career connections and talent, **serving as a nonvoting member.**

(3) The commissioner of the department of workforce development.

(4) The secretary of commerce or the secretary of commerce's designee, **serving as a nonvoting member.**

(5) The commissioner of the Indiana commission for higher education.

(6) The superintendent of public instruction.

(7) The president of Ivy Tech Community College.

(8) The president of Vincennes University.

(9) One (1) member representing a research university appointed by the governor.

(10) One (1) member representing a comprehensive university or an independent college appointed by the governor.

~~(9)~~ **(11)** A member appointed by the governor who is an apprenticeship coordinator of a joint labor-management apprenticeship program approved by the United States Department of Labor, Employment and Training Administration, Office of Apprenticeship.

~~(10)~~ **(12)** A member representing high school career and technical education **educators or** directors appointed by the governor in consultation with the Indiana Association of Career and Technical Education Districts.

~~(11)~~ **(13) Either:**

(A) a member representing manufacturing appointed by the governor in consultation with the Indiana Manufacturers Association; **or**

(B) an employee of the Indiana Manufacturers Association appointed by the governor.

~~(12)~~ **(14)** A member representing a minority business enterprise appointed by the governor.

~~(13)~~ **(15)** A member representing a women's business enterprise appointed by the governor.

~~(14)~~ **(16)** A member representing a veteran owned business appointed by the governor.

~~(15)~~ **(17)** A member representing the nonunion and construction trades appointed by the governor in consultation with the Associated Builders and Contractors, Inc., and the Indiana Builders Association.

~~(16)~~ **(18) Either:**

(A) a business owner appointed by the governor in consultation with the Indiana Chamber of Commerce; **or**

(B) an employee of the Indiana Chamber of Commerce appointed by the governor.

~~(17)~~ **(19)** A small business owner appointed by the governor in consultation with the National Federation of Independent Businesses.

~~(18)~~ **(20)** A member of a community-based organization appointed by the governor.

~~(19)~~ **(21)** Three (3) at-large business owners appointed by the governor, one (1) of whom is a business owner who employs less than fifty (50) employees. **One (1) member appointed under this subdivision shall be from an organization representing technology.**

(22) A school principal, appointed by the governor.

(23) A school superintendent, appointed by the governor.

(24) The commissioner of the department of correction, serving as a nonvoting member.

(25) The secretary of family and social services, serving as a nonvoting member.

~~(20)~~ **(26)** A member of the house of representatives appointed by the speaker of the house of representatives who serves as a nonvoting member.

~~(21)~~ **(27)** A member of the senate appointed by the president pro tempore of the senate who serves as a nonvoting member.

~~(22)~~ **(28)** Any additional members designated and appointed by the governor.

(b) The members appointed under subsection ~~(a)(11)~~ **(a)(13)** through ~~(a)(19)~~ **(a)(21)** must be geographically diverse.

SECTION 3. IC 4-3-27-6, AS AMENDED BY P.L.143-2019, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 6. (a) Members shall be appointed to the cabinet for two (2) year terms. The terms must be staggered so that the terms of half of the members expire each year. **The governor must rotate appointments described in section 5(a)(9) and 5(a)(10) of this chapter so that the same research university, comprehensive university, or independent college is not represented on the cabinet for two (2) consecutive terms.**

(b) For members appointed by the governor, the governor shall promptly make an appointment to fill any vacancy on the cabinet, but only for the duration of the unexpired term.

P.L.133-2020
[S.80. Approved March 21, 2020.]

AN ACT to amend the Indiana Code concerning general provisions.

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

SECTION 1. IC 16-41-12-15, AS AMENDED BY P.L.168-2014, SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 15. (a) A blood center shall require a blood donor to provide to the blood center the following information:

(1) Name.

(2) Address.

(3) Date of birth.

(4) The blood donor's Social Security number, if the blood donor is receiving monetary compensation for the donation.

(b) A blood center shall report the name and address of a blood donor to the state department when a confirmatory test of the blood donor's blood confirms the presence of antibodies to the human immunodeficiency virus (HIV).

(c) A blood center shall provide to a blood donor information to enable the blood donor to give informed consent to the procedures required by this chapter or IC 16-36. The information required by this subsection must be in the following form:

NOTICE

(1) This blood center performs a screening test for the human immunodeficiency virus (HIV) on every donor's blood.

(2) This blood center reports to the state department of health the name and address of a blood donor when a confirmatory test of the blood donor's blood confirms the presence of antibodies to the human immunodeficiency virus (HIV).

(3) A person who recklessly, knowingly, or intentionally donates (excluding self-donations for stem cell transplantation, other

autologous donations, or donations not intended by the blood center for distribution or use), sells, or transfers blood that contains antibodies for the human immunodeficiency virus (HIV) commits ~~transferring contaminated blood, a Level 5 felony. The offense is a Level 4 felony if the offense results in the transmission of the virus to another person.~~ **a criminal offense as described in IC 35-45-21-1.**

SECTION 2. IC 16-41-14-13, AS AMENDED BY P.L.158-2013, SECTION 244, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 13. A practitioner shall provide information to a semen donor to enable the semen donor to give informed consent to the procedures required by this chapter. The information required by this section must be in the following form:

NOTICE

(1) This facility performs a screening test for the human immunodeficiency virus (HIV) on every donor's blood.

(2) This facility reports to the state department of health the name and address of a semen donor or recipient when a confirmatory test of the semen donor's blood or the recipient's blood confirms the presence of antibodies to the human immunodeficiency virus (HIV).

(3) A person who, for the purpose of artificial insemination, recklessly, knowingly, or intentionally donates, sells, or transfers semen that contains antibodies for the human immunodeficiency virus (HIV) commits ~~transferring contaminated semen, a Level 5 felony. The offense is a Level 4 felony if the offense results in the transmission of the virus to another person.~~ **a criminal offense as described in IC 35-45-21-1.**

SECTION 3. IC 20-19-3-7 IS REPEALED [EFFECTIVE JULY 1, 2020]. ~~Sec. 7. (a) The department may not accept or distribute to school corporations grants from the federal government under Title III of P.L.103-227 (repealed), if the state superintendent determines that acceptance or distribution of grant money does at least one (1) of the following:~~

~~(1) Authorizes an officer or employee of the federal government to mandate, direct, or control at least one (1) of the following:~~

~~(A) The department.~~

~~(B) A school corporation.~~

~~(C) A school curriculum or program of instruction.~~

~~(D) Allocation of a state or local government resource.~~

~~(2) Requires the department, a school corporation, or a school to spend money or incur an expense not paid under Title III of P.L.103-227 (repealed).~~

~~(3) Requires a school corporation, as a condition of participation, to increase the access of students to at least one (1) of the following:~~

~~(A) Social services.~~

~~(B) Health care.~~

~~(C) Nutrition.~~

~~(D) Services related to the services listed in clauses (A) through (C).~~

~~(E) Child care services.~~

~~(4) Requires a school corporation, as a condition of participation, to implement an outcome based education program.~~

~~(5) Requires a school corporation, as a condition of participation, to adopt:~~

~~(A) a national curriculum; or~~

~~(B) national assessment standards.~~

~~(6) Requires federal government certification of:~~

~~(A) a state curriculum; or~~

~~(B) state assessment standards.~~

~~(b) The governing body of a school corporation that receives a grant under this section may withdraw from participation in the grant program at the following times:~~

~~(1) At the end of a school year.~~

~~(2) At any time during a school year, if money received for participation in the grant program is returned to the department. The amount that a school corporation must return to the department is the amount received for expenditure during the time after the school corporation has ceased to participate in the program.~~

SECTION 4. IC 20-33-8-31, AS AMENDED BY P.L.94-2019, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 31. (a) If a student is suspended from school or

from any educational function under this chapter, the student's absence from school because of the suspension is not a violation of:

(1) IC 20-33-2; or

(2) any other statute relating to compulsory school attendance.

(b) If a student is expelled from school or from any educational function under this chapter, the student's absence from school because of the expulsion is a violation of IC 20-33-2 or any other statute relating to compulsory school attendance if the student may enroll in:

(1) an alternative education program in the county or in a county immediately adjacent to the county containing the school corporation from which the student was expelled; or

(2) a virtual charter school; ~~if the student does not enroll in a program or school described in subdivision (1) or (2);~~

during the student's expulsion. In the event an alternative education program or virtual charter school is not available for a student to attend under this subsection, the student's expulsion is not a violation of IC 20-33-2 or any other statute relating to compulsory school attendance.

SECTION 5. IC 20-35-12-1, AS ADDED BY P.L.260-2019, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1. This chapter applies to children who are:

(1) less than ~~ten (10)~~ **eleven (11)** years of age; and

(2) deaf or hard of hearing.

SECTION 6. IC 22-15-6-4, AS AMENDED BY P.L.249-2019, SECTION 35, IS REPEALED [EFFECTIVE JULY 1, 2020]. ~~Sec. 4. (a) As used in this chapter, "inspection agency" means:~~

~~(1) an insurance company inspection agency; or~~

~~(2) an owner or user inspection agency licensed under section 6 of this chapter.~~

~~(b) A boiler and pressure vessel inspector licensed under section 5 of this chapter and employed by an inspection agency may perform any of the following:~~

~~(1) An inspection required by section 2 of this chapter.~~

~~(2) The issuance of a permit under section 2 of this chapter.~~

~~(3) The issuance of an appropriate order under IC 22-12-7 when an equipment law has been violated.~~

~~(c) The authority of an inspector acting under this chapter is limited~~

~~to enforcement related to regulated boilers or pressure vessels insured, owned, or operated by the inspection agency employing the inspector.~~

~~(d) Unless an annual report is substituted under subsection (e), an inspection agency shall, within thirty (30) days after the completion of an inspection, submit to the office the report required by the commission. In addition to any other information required by the commission, the inspector conducting the inspection shall cite on the report any violation of the equipment law applicable to the regulated boiler or pressure vessel.~~

~~(e) In the case of boilers or pressure vessels inspected by an owner or user inspection agency, an annual report filed on or before the annual date as the commission may prescribe for each report may be substituted. An annual report of an owner or user inspection agency must list, by number and abbreviated description necessary for identification, each boiler and pressure vessel inspected during the covered period, the date of the last inspection of each unit, and for each pressure vessel the approximate date for its next inspection under the rules of the commission. Each annual report of an owner or user inspection must also contain the certificate of a professional engineer registered under IC 25-31 and having supervision over the inspections reported, swearing or affirming under penalty of perjury that each inspection was conducted in conformity with the equipment laws.~~

~~(f) An owner or user inspection agency shall pay the fee set under IC 22-12-6 with a report under subsection (e).~~

~~(g) In addition to the reports required by subsections (d) and (e), an owner, a user, or an inspection agency shall immediately notify the division when an incident occurs to render a boiler or pressure vessel inoperative.~~

~~(h) An inspection agency, an owner, or a user that violates this section is subject to a disciplinary action under IC 22-12-7.~~

SECTION 7. IC 22-15-6-6, AS AMENDED BY P.L.249-2019, SECTION 37, IS REPEALED [EFFECTIVE JULY 1, 2020]. ~~Sec. 6. (a) The division shall issue a license to act as an owner or user boiler and pressure vessel inspection agency to an applicant who qualifies under this section.~~

~~(b) A license issued under this section expires if the bond required by subsection (c)(3) becomes invalid.~~

~~(c) To qualify for a license under this section an applicant must:~~

~~(1) submit the name and address of the applicant;~~

~~(2) submit proof that inspections will be supervised by one (1) or more professional engineers licensed under IC 25-31 and regularly employed by the applicant;~~

~~(3) provide a surety bond issued by a surety qualified to do business in Indiana for one hundred thousand dollars ($100,000), made payable to the division and conditioned upon compliance with the equipment laws applicable to inspections and the true accounting for all funds due to the division; and~~

~~(4) pay the fee set under IC 22-12-6-6(a)(9).~~

~~(d) An owner or user boiler and pressure vessel inspection agency licensee under this section shall maintain with the division the most current name and address of the licensee and the name of the professional engineer supervising the licensee's inspections and notify the division of any changes within thirty (30) days after the change occurs. An inspection agency that violates this subsection is subject to a disciplinary action under IC 22-12-7.~~

~~(e) The commission may establish standards for the operation of inspection agencies.~~

~~(f) An inspection agency that violates this section is subject to a disciplinary action under IC 22-12-7.~~

SECTION 8. IC 35-52-16-51 IS REPEALED [EFFECTIVE JULY 1, 2020]. ~~Sec. 51. IC 16-41-12-15 defines a crime concerning communicable diseases.~~

SECTION 9. IC 35-52-16-55 IS REPEALED [EFFECTIVE JULY 1, 2020]. ~~Sec. 55. IC 16-41-14-13 defines a crime concerning communicable diseases.~~

SECTION 10. IC 36-1-8.5-3, AS AMENDED BY P.L.191-2015, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 3. As used in this chapter, "judge" means an individual who holds or formerly held office as:

(1) a judge of the supreme court, court of appeals, tax court, circuit court, superior court, municipal court, county court, federal court, **probate court,** or small claims court; or

(2) a magistrate, commissioner, or juvenile referee of a court.

SECTION 11. IC 34-30-14-2, AS AMENDED BY P.L.166-2007,

SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2021]: Sec. 2. If compliance with sections 3 and 4 of this chapter has occurred, a school administrator, teacher, or other school employee designated by the school administrator, after consultation with the school nurse, who in good faith administers to a pupil:

(1) a nonprescription medication in compliance with the written permission of the pupil's parent or guardian, except in the case of a life threatening emergency;

(2) a legend drug (as defined in IC 16-18-2-199) ~~and including~~ **or** injectable insulin in compliance with the:

(A) written order of a practitioner; and

(B) written permission of the pupil's parent or guardian, except in the case of a life threatening emergency;

(3) a glucose test in compliance with the written order of a practitioner;

(4) health care services, basic life support, or other services that require the administrator, teacher, or employee to place the administrator's, teacher's, or employee's hands on the pupil for therapeutic or sanitary purposes; or

(5) any combination of subdivisions (1) through (4);

is not personally liable for civil damages for any act that is incident to or within the scope of the duties of the employee as a result of the administration except for an act or omission amounting to gross negligence or willful and wanton misconduct.

SECTION 12. IC 5-10-5.5-0.1, AS AMENDED BY SEA 181-2020, SECTION 1, AND AS AMENDED BY SEA 406-2020, SECTION 1, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 0.1. (a) As used in this section, "plan" refers to the state excise police, gaming agent, gaming control officer, and conservation enforcement officers' retirement plan established by section 2 of this chapter.

(b) The following amendments to this chapter apply as follows:

(1) The addition of section 7.5 of this chapter by P.L.180-2007 applies after June 30, 2007, to active participants of the plan.

(2) The amendments made to section 8 of this chapter by P.L.180-2007 apply after June 30, 2007, to active participants of the plan.

(3) The amendments made to sections 10, 11, and 12 of this chapter by P.L.180-2007 apply to participants of the plan who retire after June 30, 2007.

(4) The amendments made to sections 7 and 13.5 of this chapter by P.L.180-2007 apply to participants of the plan who become disabled after June 30, 2007.

(5) The addition of section 22 of this chapter by P.L.128-2008 applies only to a participant in the plan who is in active service after June 30, 2008.

(6) The amendments made to sections 9 and 10 of this chapter by P.L.128-2008 apply only to a participant in the plan who is in active service after June 30, 2008.

(7) The amendments made to section 22 of this chapter during the 2020 regular session of the general assembly apply only to a participant who:

(A) enters the DROP, before, on, or after June 30, 2020; and

(B) dies after June 30, 2020.

(c) Notwithstanding any other law, if a participant dies in the line of duty after January 31, 2018, and before April 1, 2020, and a survivors' benefit is paid under section 17(b) of this chapter to the participant's survivor, either:

(1) the survivor may repay the full amount distributed under section 17(b) of this chapter and the board shall provide the full annual survivors' allowance allowed under section 16.6 of this chapter; or

(2) the board may adjust the amount of the full annual survivors' allowance allowed under section 16.6 of this chapter to account for any amount distributed under section 17(b) of this chapter.

SECTION 13. IC 34-30-2-24.2, AS AMENDED BY SEA 267-2020, SECTION 10, AND AS AMENDED BY SEA 343-2020, SECTION 23, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 24.2. (a) IC 8-1-2.8-25 (Concerning InTRAC or a local exchange company for the development, adoption, implementation, maintenance, or operation of dual party relay services or telecommunications devices).

(b) IC 8-1-17.5-16 (Concerning a member or director of a rural electric membership corporation or ~~*telephone*~~ *communications*

cooperative corporation that is merged or consolidated).

~~*(c) IC 8-1-19.5-10 (Concerning a recognized 211 service provider and its employees, directors, officers, and agents for injuries or loss to persons or property as a result of an act or omission in connection with developing and providing 211 services).*~~

SECTION 14. IC 35-40.5-4-2, AS ADDED BY SEA 146-2020, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 2. Before a provider commences a forensic medical examination, or as soon as possible, the provider shall inform the victim of the following:

(1) The victim's rights under this article and other relevant law in a document to be developed by the state sexual assault response team, ~~as described in IC 16-21-8-2,~~ which shall be signed by the victim to confirm receipt, unless the victim has already been provided with the document under IC 35-40.5-5-1.

(2) The victim's right to speak with a victim advocate or victim service provider. If a victim advocate or victim service provider is not available, a victim has the right to speak with victims assistance or a social worker.

SECTION 15. IC 35-40.5-5-1, AS ADDED BY SEA 146-2020, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1. Before a law enforcement officer commences an interview of a victim, the law enforcement officer shall inform the victim of the following:

(1) The victim's rights under this article and other relevant law in a document to be developed by the state sexual assault response team, ~~as described in IC 16-21-8-2,~~ which shall be signed by the victim to confirm receipt, unless the victim has already been provided with the document under IC 35-40.5-4-2.

(2) The victim's right to speak with a victim advocate or victim service provider during the course of the investigation, and that the victim has the right to speak to victims assistance or a social worker if a victim advocate or victim service provider is not available.

SECTION 16. IC 35-40.5-7-1, AS ADDED BY SEA 146-2020, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1. (a) Upon initial interaction with a victim, a law

enforcement officer or provider shall provide the victim with a document developed by the state sexual assault response team ~~as described in IC 16-21-8-2,~~ that explains the rights of victims:

(1) under this article and other relevant law;

(2) in a format accessible to persons with visual disabilities; and

(3) in English, Spanish, and German.

(b) The document described in subsection (a) shall include the following:

(1) A clear statement that a victim is not required to receive a medical evidentiary or physical examination in order to retain the rights provided under this article or any other relevant law.

(2) Information concerning state and federal victim compensation funds for medical and other costs associated with the sexual assault.

SECTION 17. IC 5-10-8-7.3, AS AMENDED BY HEA 1176-2020, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2021]: Sec. 7.3. (a) As used in this section, "covered individual" means an individual who is:

(1) covered under a self-insurance program established under section 7(b) of this chapter to provide group health coverage; or

(2) entitled to services under a contract with a prepaid health care delivery plan that is entered into or renewed under section 7(c) of this chapter.

(b) As used in this section, "early intervention services" means services provided to a first steps child under IC 12-12.7-2 and 20 U.S.C. 1432(4).

(c) As used in this section, "first steps child" means an infant or toddler from birth through two (2) years of age who is enrolled in the Indiana first steps program and is a covered individual.

(d) As used in this section, "first steps program" refers to the program established under IC 12-12.7-2 and 20 U.S.C. 1431 et seq. to meet the needs of:

(1) children who are eligible for early intervention services; and

(2) their families.

The term includes the coordination of all available federal, state, local, and private resources available to provide early intervention services within Indiana.

(e) As used in this section, "health benefits plan" means a:

(1) self-insurance program established under section 7(b) of this chapter to provide group health coverage; or

(2) contract with a prepaid health care delivery plan that is entered into or renewed under section 7(c) of this chapter.

(f) A health benefits plan that provides coverage for early intervention services shall reimburse the first steps program a monthly fee established by the division of disability and rehabilitative services established by IC 12-9-1-1. Except when the monthly fee is less than the product determined under IC 12-12.7-2-23(b), the monthly fee shall be provided instead of claims processing of individual claims.

(g) The reimbursement required under subsection (f) may not be applied to any annual or aggregate lifetime limit on the first steps child's coverage under the health benefits plan.

(h) The first steps program may pay required deductibles, copayments, or other out-of-pocket expenses for a first steps child directly to a provider. A health benefits plan shall apply any payments made by the first steps program to the health benefits plan's deductibles, copayments, or other out-of-pocket expenses according to the terms and conditions of the health benefits plan.

(i) A health benefits plan may not require authorization for services specified in the covered individual's individualized family service plan, if those services are a covered benefit under the ~~plan~~ **plan,** once the individualized family service plan is signed by a physician.

(j) The department of insurance shall adopt rules under IC 4-22-2 to ensure compliance with this section.

SECTION 18. IC 21-38-6-1, AS AMENDED BY HEA 1176-2020, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2021]: Sec. 1. (a) An employee health plan that provides coverage for early intervention services shall reimburse the first steps program a monthly fee established by the division of disability and rehabilitative services. Except when the monthly fee is less than the product determined under IC 12-12.7-2-23(b), the monthly fee shall be provided instead of claims processing of individual claims.

(b) An employee health plan may not require authorization for services specified in the covered individual's individualized family

service plan, if those services are a covered benefit under the ~~plan~~ **plan,** once the individualized family service plan is signed by a physician.

(c) The department of insurance shall adopt rules under IC 4-22-2 to ensure compliance with this section.

SECTION 19. IC 27-8-27-6, AS AMENDED BY HEA 1176-2020, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2021]: Sec. 6. (a) A health insurance plan that provides coverage for early intervention services shall reimburse the first steps program a monthly fee established by the division of disability and rehabilitative services. Except when the monthly fee is less than the product determined under IC 12-12.7-2-23(b), the monthly fee shall be provided instead of claims processing of individual claims.

(b) A health insurance plan may not require authorization for services specified in the covered individual's individualized family service plan, if those services are a covered benefit under the ~~plan~~ **plan,** once the individualized family service plan is signed by a physician.

(c) The department of insurance shall adopt rules under IC 4-22-2 to ensure compliance with this section.

SECTION 20. IC 35-44.1-3-1, AS AMENDED BY HEA 1032-2020, SECTION 1, AND AS AMENDED BY HEA 1225-2020, SECTION 4, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1. (a) A person who knowingly or intentionally:

(1) forcibly resists, obstructs, or interferes with a law enforcement officer or a person assisting the officer while the officer is lawfully engaged in the execution of the officer's duties;

(2) forcibly resists, obstructs, or interferes with the authorized service or execution of a civil or criminal process or order of a court; or

(3) flees from a law enforcement officer after the officer has, by visible or audible means, including operation of the law enforcement officer's siren or emergency lights, identified himself or herself and ordered the person to stop;

commits resisting law enforcement, a Class A misdemeanor, except as provided in subsection (c).

(b) A person who, having been denied entry by ~~a~~ *an emergency medical services provider or a* law enforcement officer, knowingly or

intentionally enters an area that is marked off with barrier tape or other physical barriers, commits interfering with ~~*law enforcement,*~~ *public safety,* a Class B misdemeanor, except as provided in subsection (c) or ~~*(j).*~~ *(k).*

(c) The offense under subsection (a) or (b) is a:

(1) Level 6 felony if:

(A) the person uses a vehicle to commit the offense; or

(B) while committing the offense, the person draws or uses a deadly weapon, inflicts bodily injury on or otherwise causes bodily injury to another person, or operates a vehicle in a manner that creates a substantial risk of bodily injury to another person;

(2) Level 5 felony if, while committing the offense, the person operates a vehicle in a manner that causes serious bodily injury to another person;

(3) Level 3 felony if, while committing the offense, the person operates a vehicle in a manner that causes the death or catastrophic injury of another person; and

(4) Level 2 felony if, while committing any offense described in subsection (a), the person operates a vehicle in a manner that causes the death or catastrophic injury of ~~*a*~~ *an emergency medical services provider or a* law enforcement officer while the *emergency medical services provider or* law enforcement officer is engaged in the ~~*officer's*~~ *emergency medical services provider's or officer's* official duties.

(d) The offense under subsection (a) is a Level 6 felony if, while committing an offense under:

(1) subsection (a)(1) or (a)(2), the person:

(A) creates a substantial risk of bodily injury to the person or another person; and

(B) has two (2) or more prior unrelated convictions under subsection (a); or

(2) subsection (a)(3), the person has two (2) or more prior unrelated convictions under subsection (a).

~~*(d)*~~ *(e)* If a person uses a vehicle to commit a felony offense under subsection (c)(1)(B), (c)(2), (c)(3), or (c)(4), as part of the criminal penalty imposed for the offense, the court shall impose a minimum

executed sentence of at least:

(1) thirty (30) days, if the person does not have a prior unrelated conviction under this section;

(2) one hundred eighty (180) days, if the person has one (1) prior unrelated conviction under this section; or

(3) one (1) year, if the person has two (2) or more prior unrelated convictions under this section.

~~(e)~~ *(f)* Notwithstanding IC 35-50-2-2.2 and IC 35-50-3-1, the mandatory minimum sentence imposed under subsection ~~(d)~~ *(e)* may not be suspended.

~~(f)~~ *(g)* If a person is convicted of an offense involving the use of a motor vehicle under:

(1) subsection (c)(1)(A), if the person exceeded the speed limit by at least twenty (20) miles per hour while committing the offense;

(2) subsection (c)(2); or

(3) subsection (c)(3);

the court may notify the bureau of motor vehicles to suspend or revoke the person's driver's license and all certificates of registration and license plates issued or registered in the person's name in accordance with IC 9-30-4-6.1(b)(3) for the period described in IC 9-30-4-6.1(d)(1) or IC 9-30-4-6.1(d)(2). The court shall inform the bureau whether the person has been sentenced to a term of incarceration. At the time of conviction, the court may obtain the person's current driver's license and return the license to the bureau of motor vehicles.

~~(g)~~ *(h)* A person may not be charged or convicted of a crime under subsection (a)(3) if the law enforcement officer is a school resource officer acting in the officer's capacity as a school resource officer.

~~(h)~~ *(i)* A person who commits an offense described in subsection ~~(b)~~ *(c)* commits a separate offense for each person whose bodily injury, serious bodily injury, catastrophic injury, or death is caused by a violation of subsection ~~(b)~~. *(c)*.

~~(i)~~ *(j)* A court may order terms of imprisonment imposed on a person convicted of more than one (1) offense described in subsection ~~(b)~~ *(c)* to run consecutively. Consecutive terms of imprisonment imposed under this subsection are not subject to the sentencing restrictions set forth in IC 35-50-1-2(c) through IC 35-50-1-2(d).

~~(j)~~ *(k)* As used in this subsection, "family member" means a child, grandchild, parent, grandparent, or spouse of the person. It is a defense to a prosecution under subsection (b) that the person reasonably believed that the person's family member:

(1) was in the marked off area; and

(2) had suffered bodily injury or was at risk of suffering bodily injury;

if the person is not charged as a defendant in connection with the offense, if applicable, that caused the area to be secured by barrier tape or other physical barriers.

SECTION 21. IC 4-3-27-3, AS AMENDED BY HEA 1153-2020, SECTION 1, AND AS AMENDED BY HEA 1419-2020, SECTION 1, AND AS AMENDED BY THE TECHNICAL CORRECTIONS BILL OF THE 2020 GENERAL ASSEMBLY, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 3. The governor's workforce cabinet is established under the applicable state and federal programs to do the following:

(1) Review the services and use of funds and resources under applicable state and federal programs and advise the governor, general assembly, commission for higher education, and state board of education on methods of coordinating the services and use of funds and resources consistent with the laws and regulations governing the particular applicable state and federal programs.

(2) Advise the governor, general assembly, commission for higher education, and state board of education on:

(A) the development and implementation of state and local standards and measures; and

(B) the coordination of the standards and measures;

concerning the applicable federal programs.

(3) Perform the duties as set forth in federal law of the particular advisory bodies for applicable federal programs described in section 4 of this chapter.

(4) Identify the workforce needs in Indiana and recommend to the governor, general assembly, commission for higher education, and state board of education goals to meet the investment needs.

(5) Recommend to the governor, general assembly, commission

for higher education, and state board of education goals for the development and coordination of the talent development system in Indiana.

(6) Prepare and recommend to the governor, general assembly, commission for higher education, and state board of education a strategic plan to accomplish the goals developed under subdivisions (4) and (5).

(7) Monitor and direct the implementation of and evaluate the effectiveness of the strategic plan described in subdivision (6).

(8) Advise the governor, general assembly, commission for higher education, and state board of education on the coordination of federal, state, and local education and training programs and on the allocation of state and federal funds in Indiana to promote effective services, service delivery, and innovative programs.

(9) Review and approve regional workforce development board plans, and work with regional workforce development boards to determine appropriate metrics for workforce programming at the state and local levels.

(10) Design for implementation a comprehensive career navigation and coaching system as described in section 11 of this chapter.

(11) Conduct a systematic and comprehensive review, analysis, and evaluation of workforce funding described in section 12 of this chapter.

(12) Conduct a systematic and comprehensive review, analysis, and evaluation of the college and career funding described in section 13 of this chapter.

(13) Based on the reviews in sections 12 and 13 of this chapter, direct the appropriate state agencies to implement administrative changes to the delivery of these programs that align with Indiana's workforce goals, and make recommendations to:

(A) the governor;

(B) the commission for higher education;

(C) the state board of education; and

(D) the general assembly in an electronic format under IC 5-14-6;

on possible legislative changes in the future.

(14) Study the advisability of establishing one (1) or more real

world career readiness programs as described in section 14 of this chapter and report to:

(A) the governor;

(B) the commission for higher education;

(C) the state board of education; and

(D) the general assembly in an electronic format under IC 5-14-6;

concerning the results of the study.

(15) Conduct a systematic and comprehensive review, analysis, and evaluation of whether:

(A) Indiana's *early childhood,* primary, secondary, and postsecondary education systems are aligned with employer needs; and

(B) Indiana's students and workforce are prepared for success in the twenty-first century economy.

(16) *On or before December 1, 2020,* create a comprehensive strategic plan to ensure alignment between Indiana's *early childhood,* primary, secondary, and postsecondary education systems with Indiana's workforce training programs and employer needs.

(17) Administer the workforce diploma reimbursement program established by IC 22-4.1-27-7.

(18) Work with stakeholders from early learning to the workforce to establish alignment and coordination between the early learning advisory committee (established by IC 12-17.2-3.8-5), state board of education, commission for higher education, and department of workforce development.

~~(18)~~ *(19)* Carry out other policy duties and tasks as assigned by the governor.

P.L.134-2020
[S.100. Approved March 21, 2020.]

AN ACT to amend the Indiana Code concerning local government.

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

SECTION 1. IC 36-7-4-1019 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1019. **(a)** In an enforcement action brought under this chapter, the party alleging the existence of a **legal,** nonconforming use or variance granted by a board of zoning appeals has the burden of proof on that issue. The nonexistence of a nonconforming use or variance need not be proved.

(b) Except as provided in subsection (c), this subsection applies whenever a legal, nonconforming structure on a parcel of real property used for residential purposes is damaged or destroyed. The owner of the parcel shall be permitted to reconstruct, repair, or renovate the nonconforming structure if the reconstruction, repair, or renovation meets the following requirements:

(1) The structure will continue to be used for residential purposes.

(2) The new foundation of the reconstructed, repaired, or renovated structure may not exceed the square footage of the foundation of the damaged or destroyed structure.

(c) The provisions of subsection (b) concerning the reconstruction, repair, or renovation of a damaged or destroyed nonconforming structure do not authorize the reconstruction, repair, or renovation of a damaged or destroyed nonconforming structure that is:

(1) subject to the jurisdiction of a preservation commission organized under:

(A) IC 36-7-11;

(B) IC 36-7-11.1;

(C) IC 36-7-11.2; or
(D) IC 36-7-11.3; or
(2) located within a flood plain (as defined in IC 14-8-2-99).

P.L.135-2020
[S.179. Approved March 21, 2020.]

AN ACT to amend the Indiana Code concerning elections.

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

SECTION 1. IC 3-5-4-12 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 12. (a) Not later than July 1, 2020, each county shall enter into an agreement with the secretary of state to use a threat intelligence and enterprise security company designated by the secretary of state to provide hardware, software, and services to:**

(1) investigate cybersecurity attacks;
(2) protect against malicious software; and
(3) analyze information technology security risks.

(b) The agreement to provide services to a county under this section:

(1) has no effect on any threat intelligence and enterprise security service provided to the county by any other agreement with a provider or by any county employee or contractor; and
(2) must be designed to complement any existing service agreement or service used by the county;

when the county enters into the agreement. This section expires January 1, 2023.

SECTION 2. IC 3-7-26.3-35, AS ADDED BY P.L.71-2019, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 35. (a) ~~Not later than January 1, 2020,~~ The secretary of state shall issue an order establishing proficiency standards for an individual employed by or acting under the authorization of a county voter registration office, **a circuit court clerk, a county election board, or a board of elections and registration** to be qualified to access the computerized list.

(b) ~~After December 31, 2019,~~ An individual described in subsection (a) must have demonstrated to the satisfaction of the secretary of state and the election division that the individual has been sufficiently trained and demonstrated the individual's ability to properly access the system and comply with all applicable laws governing the operation of the list in order for the individual to access the computerized list.

(c) The county voter registration office, **circuit court clerk, county election board, or board of elections and registration** may revoke the authorization granted **by the office, clerk, or board** under subsection (b) for good cause, and shall file a report of the revocation with the secretary of state and the election division not later than seven (7) days after the revocation is effective.

SECTION 3. IC 3-11-8-10.3, AS AMENDED BY P.L.71-2019, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 10.3. (a) A reference to an electronic poll list in a vote center plan adopted under IC 3-11-18.1 before July 1, 2014, is considered to be a reference to an electronic poll book (as defined by IC 3-5-2-20.5), unless otherwise expressly provided in the vote center plan.

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

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

(2) An electronic poll book may not be connected to a voting system. However, the electronic poll book may be used in conjunction with a voting system if both of the following apply:

(A) The electronic poll book contains a device that must be physically removed from the electronic poll book by a person

and the device is inserted into the voting system, with no hardware or software connection existing between the electronic poll book and the voting system.

(B) All data on the device is erased when the device is removed from the voting system and before the device is reinserted into an electronic poll book.

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

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

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

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

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

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

However, after December 31, 2020, an electronic poll book may not display whether a voter's registration record is in active or inactive status.

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

(A) storing (in external or internal memory) the current local version of the electronic poll list; and

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

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

(A) already received a ballot at the election;

(B) returned an absentee ballot; or

(C) submitted any additional documentation required under

IC 3-7-33-4.5.

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

(7) The electronic poll book must transmit the information in subdivision (6) to the county server so that:

(A) the server may transmit the information immediately to every other polling place or satellite absentee office in the county; or

(B) the server makes the information immediately available to every other polling place or satellite office in the county.

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

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

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

(9) On each day after absentee ballots are cast before an absentee voter board in the circuit court clerk's office, a satellite office, or a vote center, and after election day, the electronic poll book must permit voter history to be quickly and accurately uploaded into the computerized list (as defined in IC 3-7-26.3-2).

(10) The electronic poll book must be able to display an electronic image of the signature of a voter taken from:

(A) the voter's registration application; or

(B) a more recent signature of a voter from an absentee application, poll list, electronic poll book, or registration document.

(11) The electronic poll book must be used with a signature pad, tablet, or other signature capturing device that permits the voter to make an electronic signature for comparison with the signature displayed under subdivision (10). An image of the electronic signature made by the voter on the signature pad, tablet, or other signature capturing device must be retained and identified as the signature of the voter for the period required for retention under IC 3-10-1-31.1.

(12) The electronic poll book must include a bar code capturing

device that:

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

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

(13) A printer separate from the electronic poll book used in a vote center county may be programmed to print on the back of a ballot card, immediately before the ballot card is delivered to the voter, the printed initials of the poll clerks captured through the electronic signature pad or tablet at the time the poll clerks log into the electronic poll book system.

(14) The electronic poll book must be compatible with:

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

(B) the statewide voter registration system; and

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

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

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

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

(16) The procedures for setting up, using, and shutting down an electronic poll book must be reasonably easy for a precinct election officer to learn, understand, and perform. A vendor shall provide sufficient training to election officials and poll workers to completely familiarize them with the operations essential for carrying out election activities. A vendor shall provide an assessment of learning goals achieved by the training in consultation with VSTOP (as described in IC 3-11-18.1-12).

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

(A) has been set up correctly;

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

(C) is correctly recording that a voter received a ballot; and

(D) has been shut down correctly.

(18) The electronic poll book must include the following documentation:

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

(B) Training materials that:

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

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

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

(D) Usability tests:

(i) that are conducted by the manufacturer of the electronic poll book or an independent testing facility using individuals who are representative of the general public;

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

(iii) that report their results using industry standard reporting formats.

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

(i) End user documentation.

(ii) System-level and administrator level documentation.

(iii) Developer documentation.

(F) Detailed information concerning:

(i) electronic poll book consumables; and

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

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

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

(I) As of the date of the vendor's application for approval of the

electronic poll book by the secretary of state as required by IC 3-11-18.1-12, the following:

(i) A list of customers who are using or have previously used the vendor's electronic poll book.

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

(J) Information concerning batteries used in the electronic poll book, including the following:

(i) A list of all batteries to be used in the electronic poll book and any peripherals.

(ii) The expected life span of each battery.

(iii) A log documenting when each battery was installed or subsequently replaced.

(iv) A schedule for the replacement of each battery not later than thirty (30) days before the end of the expected life span of each battery.

(v) Plans to test batteries before each election.

(vi) Plans for the emergency replacement of batteries that fail on election day or during the thirty (30) days before election day.

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

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

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

(22) The electronic poll book must have the capacity to transmit

all information generated by the voter or poll clerk as part of the process of casting a ballot, including the time and date stamp indicating when the voter signed the electronic poll book, and the electronic signature of the voter, for retention on the dedicated private server approved by the county election board for the period required by Indiana and federal law.

(23) The electronic poll book must:

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

(B) provide for the uploading of each signature so that the signature may be assigned to the voter's registration record.

(c) The county election board is responsible for the care and custody of all electronic poll books while not in use.

(d) The county election board is responsible for ensuring that all electronic poll books are dedicated devices to be used only for their intended purpose and for no other activity. Software that is not needed for the essential purpose of running the electronic poll book may not be installed on an electronic poll book.

SECTION 4. IC 3-11-13-22, AS AMENDED BY P.L.278-2019, SECTION 106, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 22. (a) This section applies to:

(1) a ballot card voting system; and

(2) a voting system that includes features of a ballot card voting system and a direct record electronic voting system.

(b) Not later than seventy-four (74) days before election day, for each county planning to use automatic tabulating machines at the next election, VSTOP shall provide each county election board with ~~two (2) lists~~ **a randomly sorted list** of unique identification numbers for the **inventory of** machines ~~to be tested by the county. The number of machines selected in each list must be:~~ **in the county maintained under IC 3-11-16-4. Starting at the top of the list, the county election board shall select machines in the list in the order listed so that:**

(1) if a machine to be selected in the list is not scheduled to be used in the upcoming election, the selection process will move to the next machine in the order listed;

(2) each selected machine is scheduled to be used in the upcoming election; and

(3) the number of machines selected is not less than five percent (5%) of the machines in the county scheduled by the county election board to be used in the upcoming election.

~~(1) approved by the division; and~~

~~(2) not less than five percent (5%) of the machines in the county.~~

(c) The county election board shall test the machines ~~in the first list~~ **as** described in subsection (b) to ascertain that the machines will correctly count the votes cast for straight party tickets, for all candidates (including write-in candidates), and on all public questions. If an individual attending the public test requests that additional automatic tabulating machines be tested, then the county election board shall **select and** test **additional** machines from the ~~second~~ list **in the manner** described in subsection (b).

(d) If VSTOP does not provide the lists under subsection (b) not later than sixty (60) days before the election, the county election board shall establish and implement a procedure for random selection of not less than five percent (5%) of the machines in the county **to be used in the upcoming election.** The county election board shall then test the machines selected as described in subsection (c).

(e) Not later than seven (7) days after conducting the test under subsection (c), the county election board shall certify to the election division that the test has been conducted in conformity with subsection (c). The testing under subsection (c) must begin before absentee voting begins in the office of the circuit court clerk under IC 3-11-10-26.

(f) Public notice of the time and place shall be given at least forty-eight (48) hours before the test. The notice shall be published once in accordance with IC 5-3-1-4.

(g) If a county election board determines that:

(1) a ballot:

(A) must be reprinted or corrected as provided by IC 3-11-2-16 because of the omission of a candidate, political party, or public question from the ballot; or

(B) is an absentee ballot that a voter is entitled to recast under IC 3-11.5-4-2 because the absentee ballot includes a candidate for election to office who:

(i) ceased to be a candidate; and

(ii) has been succeeded by a candidate selected under IC 3-13-1 or IC 3-13-2; and

(2) ballots used in the test conducted under this section were not reprinted or corrected to remove the omission of a candidate, political party, or public question, or indicate the name of the successor candidate;

the county election board shall conduct an additional public test described in subsection (c) using the reprinted or corrected ballots. Notice of the time and place of the additional test shall be given in accordance with IC 5-14-1.5, but publication of the notice in accordance with IC 5-3-1-4 is not required.

SECTION 5. IC 3-11-14.5-1, AS AMENDED BY P.L.278-2019, SECTION 113, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) Not later than seventy-four (74) days before election day, for each county planning to use an electronic voting system at the next election, VSTOP shall provide each county election board with ~~two (2) lists~~ **a randomly sorted list** of unique identification numbers for the **inventory of** machines ~~to be tested by the county. The number of machines selected in each list must be:~~ **in the county maintained under IC 3-11-16-4. Starting at the top of the list, the county election board shall select machines in the list in the order listed so that:**

(1) if a machine to be selected in the list is not scheduled to be used in the upcoming election, the selection process will move to the next machine in the order listed;

(2) each selected machine is scheduled to be used in the upcoming election; and

(3) the number of machines selected is not less than five percent (5%) of the machines in the county scheduled by the county election board to be used in the upcoming election.

~~(1) approved by the division; and~~

~~(2) not less than five percent (5%) of the machines in the county.~~

(b) The county election board shall test the machines ~~in the first list~~ **as** described in subsection (a) to ascertain that the machines will correctly count the votes cast for straight party tickets, for all candidates (including write-in candidates), and on all public questions. If an

individual attending the public test requests that additional electronic voting systems be tested, then the county election board shall **select and** test **additional** machines from the ~~second~~ list **in the manner** described in subsection (a).

(c) If VSTOP does not provide the lists under subsection (a) not later than sixty (60) days before the election, the county election board shall establish and implement a procedure for random selection of not less than five percent (5%) of the machines in the county. The county election board shall then test the machines selected **to be used in the upcoming election** as described in subsection (b).

(d) The testing under subsection (b) must begin before absentee voting starts in the office of the circuit court clerk under IC 3-11-10-26.

(e) If a county election board determines that:

(1) a ballot provided by an electronic voting system:

(A) must be corrected as provided by IC 3-11-2-16 because of the omission of a candidate, political party, or public question from the ballot; or

(B) is an absentee ballot that a voter is entitled to recast under IC 3-11.5-4-2 because the absentee ballot includes a candidate for election to office who:

(i) ceased to be a candidate; and

(ii) has been succeeded by a candidate selected under IC 3-13-1 or IC 3-13-2; and

(2) machines used in the test conducted under this section did not contain a ballot that was reprinted or corrected to remove the omission of a candidate, political party, or public question, or indicate the name of the successor candidate;

the county election board shall conduct an additional public test described in subsection (b) using the machines previously tested and containing the reprinted or corrected ballots.

SECTION 6. IC 3-11-15-7, AS AMENDED BY P.L.71-2019, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 7. (a) Each application must be in writing, sworn to or affirmed by the applicant, under the penalties of perjury, on a form prescribed by the election division, and must satisfy the following requirements:

(1) Provide the name and address of the vendor submitting the

application.

(2) Provide the telephone number of the vendor.

(3) Provide the name, address, and telephone number of the individual representing the vendor regarding the application.

(4) Provide the model name and number of the submitted voting system, stating the hardware, firmware, and software version numbers of the system.

(5) State whether the voting system is a direct record electronic voting system or an optical scan ballot card voting system.

(6) Provide a description of the voting system and its capabilities, including the following:

(A) Photographs.

(B) Engineering drawings.

(C) Technical documentation.

(D) Fail-safe and emergency backup information.

(E) Environmental requirements for storage, transportation, and operation.

(7) Include an agreement to pay for the total costs of the examination.

(8) Provide documentation of the escrow of the voting system's software, firmware, source codes, and executable images with an escrow agent approved by the election division.

(9) Provide a functional description of any software components.

(10) Provide schematics or flowcharts identifying software and data file relationships.

(11) Describe the type of maintenance offered by the vendor.

(12) Provide information concerning batteries used in the voting system, including the following:

(A) A list of all batteries to be used in the voting system and any peripherals.

(B) The expected life span of each battery.

(C) A log documenting when each battery was installed or subsequently replaced.

(D) A schedule for the replacement of each battery not later than thirty (30) days before the end of the expected life span of each battery.

(E) Plans to test batteries before each election.

(F) Plans for the emergency replacement of batteries that fail on election day or during the thirty (30) days before election day.

~~(12)~~ **(13)** Provide the names, addresses, and telephone numbers of the vendor's maintenance providers.

~~(13)~~ **(14)** Provide a description of the training courses offered by the vendor for the voting system.

~~(14)~~ **(15)** Provide user manuals, operator and system manuals, and problem solving manuals.

~~(15)~~ **(16)** Provide a statement of the current and future interchangeability of all subcomponents of the voting system.

~~(16)~~ **(17)** Provide documentation from all independent testing authorities that have examined the system.

~~(17)~~ **(18)** Provide documentation from all election jurisdictions that have previously approved the system.

~~(18)~~ **(19)** State that the vendor has complied with, and will continue to comply with, ~~IC 3-11-15-45(b)~~ **section 45(b) of this chapter** following certification of the system.

~~(19)~~ **(20)** Pay the application fee required under section 4 of this chapter.

(b) If an application does not include any of the applicable requirements listed in subsection (a), those requirements must be filed with the election division before the application may be considered by the commission.

SECTION 7. IC 3-11-18.1-12, AS AMENDED BY P.L.278-2019, SECTION 118, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. (a) Notwithstanding section 1 of this chapter, this section applies to an electronic poll book to be used in:

(1) a precinct polling place, office of the circuit court clerk, or a satellite office in accordance with IC 3-7-29-6; or

(2) a vote center under this chapter.

(b) Notwithstanding any other law, the electronic poll book used must satisfy all of the following:

(1) The electronic poll book must comply with IC 3-11-8-10.3.

(2) The electronic poll book must be approved by the secretary of state in accordance with this section.

(3) Except with prior written authorization by the VSTOP, the electronic poll book must have been delivered to the county election board not less than sixty (60) days before an election at which the electronic poll book is used.

(c) A person who wishes to market, sell, lease, or provide an electronic poll book for use in an election in Indiana must first file an application for certification with the election division on a form prescribed by the secretary of state. Except as provided in subsection (i), a person may not market, sell, lease, or provide an electronic poll book for use in an election in Indiana until the secretary of state has approved the application for certification under this section. The application must state that the vendor has complied, and will continue to comply, with subsection (d) following certification of the electronic poll book. Each application for certification of an electronic poll book must be accompanied by a fee of one thousand five hundred dollars ($1,500). All fees collected under this section shall be deposited with the treasurer of state in the voting system technical oversight program account established by IC 3-11-17-6.

(d) The person seeking certification of an electronic poll book shall conduct a background check at least once each year on each individual employed or contracted by the vendor who has access to the electronic poll book to determine if the individual has been convicted of a felony. An individual described by this subsection who has been convicted of a felony may not have access to an electronic poll book in the individual's capacity as an employee or contractor of the vendor.

(e) The secretary of state shall refer the application to the person or entity conducting the VSTOP.

(f) The VSTOP shall examine the electronic poll book with its accompanying documentation and file a report with the secretary of state indicating all of the following:

(1) Whether the electronic poll book would operate in compliance with this title.

(2) Whether VSTOP has reviewed tests conducted by an approved voting system testing laboratory.

(3) Whether VSTOP has conducted a field test.

(4) Whether the electronic poll book complies with additional requirements for the electronic poll book application for

certification and acceptance testing, as described in the Indiana Electronic Poll Book Certification Test Protocol approved by the secretary of state (as in effect January 1, ~~2019).~~ **2020).**

(5) Any recommendations regarding the acquisition or use of the electronic poll book.

(6) Whether documentation of the escrow of the electronic poll book's software, firmware, source codes, and executable images with an escrow agent approved by the election division has been received by VSTOP.

(7) Whether VSTOP recommends that the secretary of state approve the electronic poll book under this section, including any recommended restrictions that should be placed on the secretary of state's approval.

(g) After the report required by subsection (f) is filed, the secretary of state may approve the application for certification permitting the electronic poll book to be used in an election in Indiana.

(h) A certification under this section expires on December 31 of the year following the date of its issuance, unless earlier revoked by the secretary of state upon a written finding of good cause for the revocation.

(i) A person may display or demonstrate an electronic poll book that has not been certified under this section if the person complies with all the following requirements:

(1) The display or demonstration occurs at a conference of election officials sponsored by:

(A) a state agency; or

(B) an association of circuit court clerks or voter registration officers.

(2) The person files a notice with the election division at least seven (7) days before the scheduled starting date of a conference referred to in subdivision (1) setting forth the following:

(A) The name of the person and each representative scheduled to display or demonstrate the electronic poll book.

(B) The address and telephone number of the person.

(C) The model name of the electronic poll book.

(D) The name and manufacturer of the electronic poll book.

(E) The date and location of the display or demonstration of the

electronic poll book.

(3) The person displays the electronic poll book with a notice that:

(A) is at least 16 point type size;

(B) is posted on the surface of the electronic poll book; and

(C) states that the electronic poll book is "Not Approved for Use in Indiana".

(4) The person ensures that each communication concerning the electronic poll book that is available or made at a conference referred to in subdivision (1) includes a statement that the electronic poll book is "Not Approved for Use in Indiana". A printed communication must include the statement in a type size that is at least as large as the largest type size used in the communication.

SECTION 8. IC 3-12-3-12.7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 12.7. (a) This section applies to a county that uploads unofficial precinct level results from a ballot card voting system to the computerized list before the county certifies the official results of the election under IC 3-12-5.**

(b) The county shall use a universal serial bus (USB) drive that contains anti-malware protection features approved by VSTOP or another data storage transfer method approved by VSTOP.

SECTION 9. IC 3-12-3.5-3, AS AMENDED BY P.L.230-2005, SECTION 58, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) When paper vote total printouts have been obtained, the precinct election board shall prepare certificates stating the number of votes that each candidate received for each office and the votes on each public question by attaching the paper vote total printouts to certificate forms supplied by the county election board.

(b) Each member of the board shall be given a copy of the certificate.

(c) If a precinct election board administers more than one (1) precinct, the board shall keep the ballots cast in each precinct separate from ballots cast in any other precinct, so that the votes cast for each candidate and on each public question in each of the precincts administered by the board may be determined.

(d) If a precinct or vote center uses a direct record electronic

voting system that contains a voter verifiable paper audit trail, the election board is not required to print out the paper audit trail in preparing the certificates setting forth the number of votes prepared under subsection (a).

(e) The certificates prepared under subsection (a) set forth the official votes cast by the voters for a candidate or on a public question by the voters of the precinct. However, in a recount or contest proceeding under IC 3-12-6, IC 3-12-8, IC 3-12-11, or IC 3-12-12, the information set forth on the voter verifiable paper audit trail may be used as evidence for a recount commission or a court to determine the votes cast for a candidate or on a public question in the precinct.

SECTION 10. IC 3-12-4-6.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 6.5. (a) This section applies to a county that uploads unofficial precinct level results from a direct record electronic voting system to the computerized list before the county certifies the official results of the election under IC 3-12-5.**

(b) The county must use a universal serial bus (USB) drive that contains anti-malware protection features approved by VSTOP or another data storage transfer method approved by VSTOP.

SECTION 11. IC 3-12-13-5, AS ADDED BY P.L.34-2019, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) The secretary of state shall determine ~~under rules adopted by the secretary of state under IC 4-22-2,~~ the elections that are subject to a risk-limiting audit.

(b) All contested elections for an elected office and all public questions are eligible for designation ~~by the rules~~ **under subsection (a)** for a risk-limiting audit.

SECTION 12. IC 3-12-13-7, AS ADDED BY P.L.34-2019, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) The secretary of state shall ~~adopt rules under IC 4-22-2 necessary~~ **issue orders** to implement and administer the requirements of this chapter.

(b) In ~~developing rules to be adopted~~ **issuing an order** under subsection (a), the secretary of state shall:

(1) consult with recognized statistical experts, equipment vendors, the election division, and county election officials; and

(2) consider best practices for conducting risk-limiting audits.

SECTION 13. IC 3-12-14-4, AS ADDED BY P.L.34-2019, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) The secretary of state shall ~~adopt rules under IC 4-22-2~~ **issue orders** to develop a procedure audit program that details the documents to be inspected, the procedures to be reviewed, and the process by which a procedure audit is conducted under this chapter.

(b) The following factors may be evaluated by a procedure audit:

(1) Evaluation of voter registration procedures, including the following:

(A) Proper use of voter registration forms.

(B) Entry of data into the statewide voter registration file.

(C) Proper use of forms.

(D) Ability of procedures to accurately determine eligibility of registrants.

(2) Evaluation of proper use and operation of electronic poll books and other electronic systems.

(3) Evaluation of voting systems.

(4) Evaluation of compliance with federal and state requirements.

(5) Evaluation of absentee voting requirements and procedures.

(6) Evaluation of provisional ballot voting requirements and procedures.

(7) Evaluation of other factors as determined by the secretary of state.

(c) The secretary of state may require use of sampling and other statistically valid procedures for conducting a procedure audit.

SECTION 14. **An emergency is declared for this act.**

P.L.136-2020
[S.184. Approved March 21, 2020.]

AN ACT to amend the Indiana Code concerning insurance.

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

SECTION 1. IC 27-1-2.2 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]:

Chapter 2.2. Nonprofit Agricultural Organization Coverage

Sec. 1. As used in this chapter, "nonprofit agricultural organization" means an organization:

(1) that is exempt from taxation under Section 501(c)(5) of the Internal Revenue Code;

(2) that is domiciled in Indiana;

(3) that was in existence before 1950; and

(4) the members of which include residents of every county in Indiana.

Sec. 2. As used in this chapter, "nonprofit agricultural organization coverage" means health benefit coverage that is:

(1) sponsored by:

(A) a nonprofit agricultural organization; or

(B) an affiliate of a nonprofit agricultural organization;

(2) offered only to:

(A) members of the nonprofit agricultural organization; and

(B) families of the members of the nonprofit agricultural organization;

(3) deemed by the nonprofit agricultural organization to be important in assisting its members to live long and productive lives; and

(4) offered to members of the nonprofit agricultural

organization in every county in Indiana.

Sec. 3. Before an organization may offer health benefit coverage under this chapter, the organization must file with the insurance commissioner a certification that:

(1) the organization qualifies as a nonprofit agricultural organization under section 1 of this chapter; and

(2) the health benefit coverage that the organization will offer qualifies as nonprofit agricultural organization coverage under section 2 of this chapter.

Sec. 4. (a) Nonprofit agricultural organization coverage provided under this chapter:

(1) is not insurance;

(2) shall not be considered to be insurance under this title or any other provision of Indiana law; and

(3) is not subject to the regulatory authority of the department of insurance under this title or any other provision of Indiana law.

(b) Entering into a contract between a nonprofit agricultural organization and an individual for health coverage under this chapter does not constitute the business of insurance.

(c) A nonprofit agricultural organization providing coverage under this chapter is not required to obtain a certificate of authority under IC 27-1-3-20.

Sec. 5. A nonprofit agricultural organization offering coverage under this chapter shall annually file with the department of insurance a written, signed opinion of a qualified actuary that the plan reserves of the nonprofit agricultural organization and its affiliate are adequate and conform to the appropriate actuarial standards of practice.

Sec. 6. A nonprofit agricultural organization offering coverage under this chapter shall reinsure all or a portion of its risks under this coverage with a company authorized to transact reinsurance business or stop-loss insurance business in Indiana.

Sec. 7. A nonprofit agricultural organization offering coverage under this chapter shall adopt a complaint procedure that is materially similar to the procedure used by the department of insurance.

Sec. 8. (a) When an individual applies for health coverage provided under this chapter, the nonprofit agricultural organization offering the health coverage shall inform the individual that the health coverage:

(1) is not considered insurance; and

(2) is not subject to the administrative rules of the department of insurance.

(b) An individual entering into a contract for health coverage under this chapter must acknowledge that the coverage:

(1) is not considered insurance; and

(2) is not subject to the administrative rules of the department of insurance.

(c) The acknowledgment required by subsection (b) must be in a writing signed by the individual. The nonprofit agricultural organization shall:

(1) keep a copy of the written acknowledgment for the entire duration of the contract under which the individual is provided coverage under this chapter; and

(2) provide a copy of the acknowledgment to the individual at the individual's request.

Sec. 9. An individual may not apply for health coverage provided under this chapter until the individual has been a member of the nonprofit agricultural organization offering the health coverage for at least thirty (30) days.

Sec. 10. Health coverage provided to an individual under this chapter:

(1) must include coverage for:

(A) ambulatory patient services;

(B) hospitalization;

(C) emergency services; and

(D) laboratory services; and

(2) may not be subject to an annual limit of less than two million dollars ($2,000,000) per year.

Sec. 11. The provisions of this chapter are severable in the manner provided in IC 1-1-1-8(b).

P.L.137-2020
[S.254. Approved March 21, 2020.]

AN ACT to amend the Indiana Code concerning utilities.

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

SECTION 1. IC 8-1-31-13, AS AMENDED BY P.L.212-2015, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 13. **(a)** The commission may not approve a petition filed under section 8 or 10 of this chapter to the extent it would produce total adjustment revenues exceeding ten percent (10%) of the eligible utility's base revenue level approved by the commission in the eligible utility's most recent general rate proceeding.

(b) Subsection (a) does not apply to infrastructure improvement costs associated with eligible infrastructure improvements that are placed in service due to the construction, reconstruction, or improvement of a highway, street, or road (as defined in IC 8-23-1-23).

SECTION 2. IC 8-1-31.6-4, AS ADDED BY P.L.91-2017, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 4. As used in this chapter, "water utility" means:

(1) a public utility (as defined in IC 8-1-2-1(a)); **or**

(2) a municipally owned utility (as defined in IC 8-1-2-1(h)); that provides water service to the public, **and that is under the commission's authority with respect to rates and charges.**

SECTION 3. IC 8-1-31.6-5, AS ADDED BY P.L.91-2017, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 5. (a) Before a water utility may seek to include customer lead service line improvements as eligible infrastructure improvements:

(1) for purposes of IC 8-1-31, **for public utilities; or**

(2) for purpose of this chapter, for municipally owned

utilities;

the water utility must first obtain approval from the commission of the water utility's plan for the customer lead service line improvements. To seek approval of the water utility's plan for the customer lead service line improvements, the water utility shall file with the commission a petition and a case-in-chief, including the information set forth in section 6 of this chapter.

(b) After holding a properly noticed public hearing, the commission shall approve the water utility's plan under this section if the commission makes the required findings under section 6 of this chapter.

(c) The commission shall issue the commission's final order on the water utility's petition not later than two hundred ten (210) days after the filing of the water utility's case-in-chief.

SECTION 4. IC 8-1-31.6-6, AS ADDED BY P.L.91-2017, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 6. (a) Before a water utility is authorized to include customer lead service line improvements as eligible infrastructure improvements for purposes of IC 8-1-31, **for a public utility, or for purposes of this chapter, for a municipally owned utility,** the commission must first approve the water utility's plan for the replacement of the customer owned portion of the lead service lines within or connected to the water utility's system. The water utility's plan must address the following:

(1) The availability of grants or low interest loans and how the water utility plans to use available grants or low interest loans to help the water utility finance or reduce the cost of the customer lead service line improvements for the water utility and the water utility's customers, including any arrangements for the customer to receive available grants or financing directly.

(2) A description of how the replacement of customer owned lead service lines will be accomplished in conjunction with distribution system infrastructure replacement projects.

(3) The estimated savings in costs per service line that would be realized by the water utility replacing the customer owned portion of the lead service lines versus the anticipated replacement costs if customers were required to replace the customer owned portion of the lead service lines.

(4) The number of lead mains and lead service lines estimated to be part of the water utility's system.

(5) A range for the number of customer owned lead service lines estimated to be replaced annually.

(6) A range for the total feet of lead mains estimated to be replaced annually.

(7) The water utility's proposal for addressing the costs of unusual site restoration work necessitated by structures or improvements located above the customer owned portion of the lead service lines.

(8) The water utility's proposal for:

(A) communicating with the customer the availability of the water utility's plan to replace the customer owned portion of the lead service line in conjunction with the water utility's replacement of the utility owned portion of the lead service line; and

(B) documenting the customer's consent or lack of consent to replace the customer owned portion of the lead service line.

(9) The water utility's proposal concerning whether the water utility or the customer will be responsible for future replacement or repair of the portion of the new service line corresponding to the previous customer owned lead service line.

(10) The estimated total cost to replace all customer owned portions of the lead service lines within or connected to the water utility's system and an estimated range for the annual cost to be incurred by the water utility under the water utility's plan.

(b) The commission shall approve a water utility's plan if the commission finds the plan to be reasonable and in the public interest. Subject to subsection (c), in general rate cases following the approval of a ~~water~~ **public** utility's plan, the commission shall for ratemaking purposes add to the value of the ~~water~~ **public** utility's property for purposes of IC 8-1-2-6 the actual costs incurred by the ~~water~~ **public** utility in replacing the customer owned portion of the lead service lines and in removing customer owned lead service lines from service in accordance with the water utility's plan, notwithstanding the continued ownership of the service line by the customer.

(c) To the extent a water utility incurs an annual cost under the water utility's plan in excess of the range set forth in subsection (a)(10) and

approved by the commission under subsection (b), the additional costs are not eligible for the ratemaking treatment provided for in this section or in section 7 of this chapter.

SECTION 5. IC 8-1-31.6-7, AS ADDED BY P.L.91-2017, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 7. Subject to section 6(c) of this chapter, upon the commission's approval of a ~~water~~ **public** utility's plan under section 6 of this chapter, the water utility may include the actual costs incurred by the ~~water~~ **public** utility in connection with completing customer lead service line improvements that:

(1) have been placed in service; and

(2) have not been included in the ~~water~~ **public** utility's rate base in the ~~water~~ **public** utility's most recent general rate case;

as eligible infrastructure improvements for purposes of IC 8-1-31. For purposes of the revenue limitation calculation under IC 8-1-31-13, infrastructure improvement costs associated with customer lead service line improvements shall not be counted as adjustment revenues in determining whether the water utility's total adjustment revenues exceed ten percent (10%) of the water utility's base revenue level approved in the water utility's most recent general rate case.

SECTION 6. IC 8-1-31.6-8 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 8. Subject to section 6(c) of this chapter, upon the commission's approval of the utility's plan under section 6 of this chapter, a municipally owned utility may include in the utility's rates the costs for customer lead service line improvements that:**

(1) are made, or are to be made, by a municipally owned utility;

(2) do not increase revenues by connecting to new customers, even though the plant or equipment may provide the municipally owned utility with available capacity greater than the available capacity provided to the customer before the line improvements;

(3) are or will be an extension or replacement consistent with section 9 of this chapter; and

(4) were not included on the utility's balance sheet as plant in service in the utility's most recent general rate case.

SECTION 7. IC 8-1-31.6-9 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 9. For a municipally owned utility, customer lead service line improvement costs include the following:**

(1) Depreciation expenses.

(2) Extensions and replacements for customer lead service line improvements, to the extent that the extensions and replacements are not provided for through depreciation, in the manner provided for in IC 8-1.5-3-8.

(3) Debt service on funds borrowed to pay for customer lead service line improvements.

(4) As applicable, property taxes to be paid by the utility based upon the first assessment date following the placement in service of the customer lead service line improvements.

SECTION 8. IC 8-1-31.6-10 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 10. (a) Except as provided in subsection (d), a municipally owned utility may file with the commission a petition setting forth rate schedules establishing an amount that will allow the adjustment of the utility's basic rates and charges to provide for recovery of customer lead service line improvement costs. The adjustment shall be calculated as a monthly fixed charge based upon meter size.**

(b) The municipally owned utility shall serve upon the office of the utility consumer counselor a copy of its filing at the time of its filing with the commission.

(c) Publication of notice of the filing is not required.

(d) A municipally owned utility may not file a petition under this section in the same calendar year in which the utility has filed a request for a general increase in the basic rates and charges of the municipally owned utility.

SECTION 9. IC 8-1-31.6-11 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 11. (a) When a petition is filed under section 10 of this chapter, the commission shall conduct a hearing.**

(b) The office of the utility consumer counselor may:

(1) examine information of the municipally owned utility to confirm:

(A) that the customer lead service line improvements made or to be made are in accordance with section 9 of this chapter; and

(B) proper calculation of the adjustment amount proposed under section 10(a) of this chapter; and

(2) submit a report to the commission not later than thirty (30) days after the petition is filed.

(c) The commission shall hold the hearing and issue its order not later than sixty (60) days after the petition is filed.

(d) If the commission finds that a petition filed under section 10 of this chapter complies with the requirements of this chapter, the commission shall enter an order approving the petition.

SECTION 10. IC 8-1-31.6-12 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 12. (a) Except as provided in subsection (b), a municipally owned utility may, but is not required to, file a petition for a change in its initial adjustment amount not more often than one (1) time every twelve (12) months. Section 10 of this chapter applies to a petition to change an adjustment rider.**

(b) Except as provided in section 15 of this chapter, a municipally owned utility may not file a petition described in subsection (a) in the same calendar year in which the utility has filed a request for a general increase in the basic rates and charges of the utility.

SECTION 11. IC 8-1-31.6-13 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 13. In determining the amount of allowable recovery of customer lead service line improvement costs for a municipally owned utility, the commission may consider the following factors:**

(1) Extensions and replacements, to the extent that the extensions and replacements are not provided for through depreciation, in the manner provided for in IC 8-1.5-3-8.

(2) Debt service on funds borrowed to pay for customer lead service line improvements.

(3) Depreciation expenses on customer lead service line improvements based on the same rate or rates of depreciation approved by the commission for the calculation of depreciation in the utility's most recent rate case.

(4) Other components that the commission considers appropriate.

SECTION 12. IC 8-1-31.6-14 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 14. An adjustment amount proposed under section 10 of this chapter may be calculated based on a reasonable estimate of equivalent meters in the period in which the charge will be in effect. At the end of each twelve (12) month period following the date on which the commission initially approves an adjustment amount for a municipally owned utility following the utility's most recent general rate case, the municipally owned utility, using procedures approved by the commission, shall reconcile the difference between revenues under the adjustment rider and customer lead service line improvement costs during that period and recover or refund the difference, as appropriate, through additional adjustments to the adjustment rider.**

SECTION 13. IC 8-1-31.6-15 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 15. A municipally owned utility's adjustment rider approved under sections 10 and 12 of this chapter shall be reset to zero (0) upon the approval of new basic rates and charges for the utility by the commission in a general rate case in which the customer lead service line improvements are included in the utility's rate base.**

SECTION 14. IC 8-1-31.6-16 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 16. The commission shall adopt rules under IC 4-22-2 to implement this chapter.**

SECTION 15. IC 8-1-31.7 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]:

Chapter 31.7. Service Enhancement Improvement Projects for Water and Wastewater Utilities

Sec. 1. The definitions in IC 8-1-2-1 apply throughout this chapter.

Sec. 2. As used in this chapter, "eligible addition" means any new utility plant or equipment:

(1) that does not increase revenues by connecting to new customers, even though the plant or equipment may provide the eligible utility with greater available capacity; and

(2) that:

(A) for a public utility:

(i) is used and useful;

(ii) is procured, installed, or constructed by an eligible utility with expenditures that are service enhancement improvements; and

(iii) was not included in the public utility's rate base in its most recent general rate case; or

(B) for a municipally owned or not-for-profit utility:

(i) is or will be an extension or replacement, consistent with section 8 of this chapter; and

(ii) was not included on the utility's balance sheet as plant in service in the utility's most recent general rate case.

Sec. 3. As used in this chapter, "eligible utility" means:

(1) a public utility;

(2) a municipally owned utility; or

(3) a not-for-profit utility;

that provides water or wastewater service to the public and is under the jurisdiction of the commission for the approval of rates and charges.

Sec. 4. (a) As used in this chapter, "not-for-profit utility" has the meaning set forth in IC 8-1-2-125(a).

(b) The term includes a utility company that is owned, operated, or held in trust by a consolidated city.

Sec. 5. As used in this chapter, "pretax return" means the revenues necessary:

(1) to produce net operating income equal to a public utility's weighted cost of capital multiplied by the net original cost of the eligible addition; and

(2) to pay state and federal income taxes applicable to the net operating income described in subdivision (1).

Sec. 6. As used in this chapter, "requirement" means any decision or regulation imposed on an eligible utility by a unit (as defined in IC 36-1-2-23), a municipal corporation (as defined in IC 36-1-2-10), a state, or the federal government in connection with any of the following:

(1) The federal Water Pollution Control Act (33 U.S.C. 1251 et seq.).

(2) The federal Safe Drinking Water Act (42 U.S.C. 300f et seq.).

(3) Any other law, order, or regulation administered by the United States Environmental Protection Agency, the United States Army Corps of Engineers, the United States Department of Transportation, the Indiana department of transportation, the Indiana department of environmental management, or the department of natural resources.

(4) Regulation imposed by local government under IC 8-1-2-101, IC 36-9-2-14, IC 36-9-2-15, or IC 36-9-2-16.

Sec. 7. As used in this chapter, "service enhancement improvement" means an expenditure that is either of the following:

(1) Made, or to be made, by an eligible utility and related to:

(A) direct or indirect compliance with one (1) or more requirements; or

(B) installation of a new plant or equipment:

(i) that is not a replacement plant or equipment; and

(ii) that the commission determines is reasonable and appropriate to further health, safety, or environmental protection for the eligible utility's customers, employees, or the public.

(2) Replacement of a plant or equipment to maintain existing health, safety, or environmental protection for the eligible utility's customers, employees, or the public.

Sec. 8. (a) As used in this chapter, "service enhancement improvement costs" means costs that an eligible utility incurs in connection with an eligible addition, including the following:

(1) Depreciation expenses.

(2) For a municipally owned utility or a not-for-profit utility, extensions and replacements, to the extent that the extensions and replacements are not provided for through depreciation, in the manner provided for in IC 8-1.5-3-8 or IC 8-1-2-125.

(3) For a municipally owned utility or a not-for-profit utility, debt service on funds borrowed to pay for the eligible addition.

(4) Property taxes to be paid by the eligible utility based upon the first assessment date following the placement in service of the eligible addition.

(5) Pretax return for a public utility.

(b) The term does not include fines or penalties assessed against or imposed on an eligible utility for violating laws, regulations, or consent decrees related to a requirement.

Sec. 9. (a) Except as provided in subsection (e), before an eligible utility may seek to recover its service enhancement improvement costs through a periodic rate adjustment under section 12 of this chapter, it must first obtain preapproval from the commission of its plan for the proposed service enhancement improvement or improvements. The eligible utility must file with the commission a petition and a case in chief, including supporting information described in section 10 or 11 of this chapter, as applicable.

(b) After holding a public hearing for which proper notice is given under IC 8-1-1-8, the commission shall preapprove the eligible utility's plan under this section if the commission makes the required findings under section 10 or 11 of this chapter, as applicable. If the service enhancement improvement is not described in section 7(1)(A) of this chapter, the commission shall preapprove the eligible utility's plan under this section if the commission makes the required finding under section 7(1)(B)(ii) of this chapter.

(c) The commission shall issue its final order on the petition not later than two hundred ten (210) days after the filing of the eligible utility's case in chief.

(d) An eligible utility may have more than one (1) plan, and an eligible utility may file separate petitions for separate plans.

(e) An eligible utility is not required to seek preapproval of a plan in order to seek recovery under section 12 of this chapter for eligible additions that are described in section 7(2) of this chapter.

(f) If the commission approves an eligible utility's plan under this section, or if approval is otherwise not required, the commission shall approve a rider authorizing timely recovery of the eligible utility's service enhancement improvement costs under section 12 of this chapter. The following apply to the utility's timely recovery:

(1) Eighty percent (80%) of the eligible utility's service enhancement improvement costs shall be recovered by the eligible utility through a periodic rate adjustment mechanism that allows the timely recovery of the approved service enhancement improvement costs.

(2) Twenty percent (20%) of the eligible utility's service enhancement improvement costs, including depreciation, allowance for funds used during construction, and post in service carrying costs, compounded monthly and based on the overall cost of capital most recently approved by the commission, shall be deferred and recovered by the eligible utility as part of its next general rate case filed by the eligible utility with the commission.

(3) Actual costs that exceed by more than twenty-five percent (25%) the projected costs set forth in the eligible utility's plan approved under this section require specific justification by the eligible utility and specific approval by the commission before being authorized in the next general rate case filed by the eligible utility with the commission.

Sec. 10. If the plan is for a service enhancement improvement described in section 7(1)(A) of this chapter, the commission shall approve the plan if the commission finds that the public convenience and necessity require the proposed service enhancement improvement to allow the eligible utility to comply directly or indirectly with one (1) or more requirements. The commission shall examine the following:

(1) The following factors, which must be set forth in the eligible utility's case in chief filed in accordance with section

9 of this chapter:

(A) A description of the requirements, including any consent decrees related to the requirements, that the eligible utility seeks to comply with through the proposed service enhancement improvement.

(B) A description of the projected service enhancement improvement costs associated with the proposed service enhancement improvement.

(C) A description of how the proposed service enhancement improvement allows the eligible utility to comply with the requirements described by the eligible utility under clause (A).

(D) Alternative plans for compliance.

(2) Any other factors the commission considers relevant.

Sec. 11. If the plan is for a service enhancement improvement described in section 7(1)(A) of this chapter related to a requirement described in section 6(4) of this chapter, the eligible utility shall provide a copy of the unit or municipal corporation ordinance or other determination setting forth the requirement and shall provide the eligible utility's estimated cost to comply with the requirement. The commission shall review the reasonableness of the requirement under IC 8-1-2-101(a). Unless the commission finds the requirement to be unreasonable, the commission shall approve the plan for the service enhancement improvement. The unit or municipal corporation that has adopted the requirement shall be provided notice of the proceedings.

Sec. 12. (a) If the commission approves an eligible utility's plan under section 9 of this chapter, or if commission approval of the plan is otherwise not required, the eligible utility may file a petition to establish or adjust an adjustment rider to its rate schedules under this section so as to allow timely recovery of the eligible utility's service enhancement improvement costs. The following shall apply:

(1) The adjustment rider shall be calculated as a fixed charge based upon equivalent meter size.

(2) Publication of notice of the filing is not required.

(b) The adjustment rider shall provide for the timely recovery

of eighty percent (80%) of the service enhancement improvement costs. The remaining twenty percent (20%) of the service enhancement improvement costs shall be deferred under section 9(f)(2) of this chapter.

(c) The commission shall conduct a hearing.

(d) The office of the utility consumer counselor may:

(1) examine information of the eligible utility to confirm:

(A) that the eligible additions are in accordance with sections 2 and 8 of this chapter; and

(B) the proper calculation of the adjustment amount proposed under this section; and

(2) submit a report to the commission not later than thirty (30) days after the petition is filed.

(e) Except as provided in subsection (h), the commission shall hold the hearing and issue its order not later than sixty (60) days after the petition is filed.

(f) Except as provided in subsection (h), the commission shall enter an order approving a petition filed under this section to the extent the commission finds that the petition complies with the requirements of this chapter.

(g) A petition filed under this section may combine one (1) or more of the following:

(1) Service enhancement improvement costs associated with one (1) or more plans approved under section 9 of this chapter.

(2) Service enhancement improvement costs for which approval of a plan is not required under this chapter.

(h) If a petition filed under this section seeks recovery of service enhancement improvement costs associated with eligible additions made in association with service enhancement improvements described in section 7(2) of this chapter:

(1) the commission shall create a sub-docket to consider the service enhancement improvement costs if the petition combines the service enhancement improvement costs with service enhancement improvement costs associated with approved plans under section 7(1)(A) or 7(1)(B) of this chapter;

(2) to approve recovery of the service enhancement improvement costs associated with service enhancement improvements described in section 7(2) of this chapter, the commission must find that the service enhancement improvements described in section 7(2) of this chapter are reasonable and necessary; and

(3) the time period for issuance of an order under subsection (e) is extended to one hundred twenty (120) days with respect to the service enhancement improvement costs associated with service enhancement improvements described in section 7(2) of this chapter.

Sec. 13. In determining an appropriate pretax return for a public utility, the commission may consider the following factors:

(1) The current state and federal income tax rates.

(2) The eligible utility's actual regulatory capital structure.

(3) The actual cost rates for the eligible utility's long term debt and preferred stock.

(4) The eligible utility's cost of common equity.

(5) Other components that the commission considers appropriate.

Sec. 14. (a) Except as provided in subsection (b), the cost of common equity to be used in the calculation of the pretax return under section 13 of this chapter shall be the most recent determination by the commission in a general rate proceeding of the eligible utility.

(b) If the commission finds that the most recent determination described in subsection (a) is no longer representative of current conditions, the commission may, after notice and hearing, make a new determination of the common equity cost rate for use in determining the charge. The most recent prior determination shall be used pending any redetermination under this subsection.

Sec. 15. In determining the amount of allowable recovery of service enhancement improvement costs for an eligible utility that is a municipally owned utility, the commission may consider the following factors:

(1) Extensions and replacements, to the extent that the extension and replacements are not provided for through

depreciation, in the manner provided for in IC 8-1.5-3-8.

(2) Debt service on funds borrowed to pay for eligible service enhancement improvement.

(3) Depreciation expenses on eligible service enhancement improvements based on the same rate or rates of depreciation approved by the commission for the calculation of depreciation in the eligible utility's most recent rate case.

(4) Other components that the commission considers appropriate.

Sec. 16. In determining the amount of allowable recovery of service enhancement improvement costs for a not-for-profit utility, the commission may consider the following factors:

(1) Extensions and replacements, in the manner provided for in IC 8-1-2-125.

(2) Debt service on funds borrowed to pay for eligible service enhancement improvement.

(3) Other components that the commission considers appropriate.

Sec. 17. An adjustment amount proposed under section 12 of this chapter may be calculated based on a reasonable estimate of equivalent meters in the period in which the charge will be in effect. At the end of each twelve (12) month period following the date on which the commission initially approves an adjustment amount for an eligible utility following the eligible utility's most recent general rate case, the eligible utility, using procedures approved by the commission, shall reconcile the difference between revenues under the adjustment rider and service enhancement improvement costs during that period and recover or refund the difference, as appropriate, through additional adjustments to the adjustment rider.

Sec. 18. An eligible utility may, but is not required to, file a petition for a change in its initial adjustment amount not more than one (1) time in every twelve (12) months. Section 12 of this chapter applies to a petition to change an adjustment rider.

Sec. 19. An eligible utility's adjustment rider approved under sections 12 and 18 of this chapter shall be reset to zero (0) upon approval of new basic rates and charges for the eligible utility by

the commission in a general rate case in which the eligible service additions are included in the eligible utility's rate base.

Sec. 20. The commission shall adopt rules under IC 4-22-2 to implement this chapter.

P.L.138-2020
[S.256. Approved March 21, 2020.]

AN ACT to amend the Indiana Code concerning courts and court officers.

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

SECTION 1. IC 2-5-1.3-13, AS AMENDED BY P.L.2-2018, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 13. (a) A study committee shall study the issues assigned by the legislative council that are within the subject matter for the study committee, as described in section 4 of this chapter.

(b) In addition to the issues assigned under subsection (a), the interim study committee on roads and transportation shall advise the bureau of motor vehicles regarding the suitability of a special group (as defined in IC 9-13-2-170) to receive a special group recognition license plate for the special group (as defined in IC 9-13-2-170) for the first time under IC 9-18.5-12-4 and the suitability of a special group (as defined in IC 9-13-2-170) to continue participating in the special group recognition license plate program under IC 9-18.5-12-5.

(c) In addition to the issues assigned under subsection (a), the interim study committee on corrections and criminal code shall review current trends with respect to criminal behavior, sentencing, incarceration, and treatment and may:

(1) identify particular needs of the criminal justice system that can be addressed by legislation; and

(2) prepare legislation to address the particular needs found by the committee.

(d) In each even-numbered year, in addition to the issues assigned under subsection (a), the interim study committee on courts and the judiciary shall review, consider, and make recommendations concerning all requests for new courts, new judicial officers, and changes in jurisdiction of existing courts. A request under this subsection must include at least the following information to receive full consideration by the committee:

(1) The level of community support for the change, including support from the local fiscal body.

(2) The results of a survey that shall be conducted by the county requesting the change, sampling members of the bar, members of the judiciary, and local officials to determine needs and concerns of existing courts.

(3) Whether the county is already using a judge or magistrate from an overserved area of the judicial district.

(4) The relative severity of need based on the most recent weighted caseload measurement system report published by the office of judicial administration.

(5) Whether the county is using any problem solving court as described in IC 33-23-16-11, and, if so, the list of problem solving courts established in the county, and any evaluation of the impact of the problem solving courts on the overall judicial caseload.

(6) A description of the:

(A) county's population growth in the ten (10) years before the date of the request; and

(B) projected population growth in the county for the ten (10) years after the date of the request, to the extent available;

and any documentation to support the information provided under this subdivision.

(7) A description of the county's use of pre-incarceration diversion services and post-incarceration reentry services in an effort to decrease recidivism.

(8) If the request is a request for a new court or new courts, an acknowledgment from the county fiscal body (as defined in IC 36-1-2-6) with the funding sources and estimated costs the county intends to pay toward the county's part of the operating costs associated with the new court or new courts.

The office of judicial administration shall post the list of required information provided under this subsection on its Internet web site.

(e) In each even-numbered year, in addition to the issues assigned under subsection (a), the interim study committee on courts and the judiciary shall review the most recent weighted caseload measurement system report published by the office of judicial administration and do the following:

(1) Identify each county in which the number of courts or judicial officers exceeds the number used by the county in that report year.

(2) Determine the number of previous report years in which the number of courts or judicial officers in a county identified in subdivision (1) exceeded the number used by the county in that particular report year.

(3) Make a recommendation on whether the number of courts or judicial officers in the county should be decreased.

The office of judicial administration shall post a list of the number of courts or judicial officers used in each county for each report year, and the number of years in which the number of courts or judicial officers in the county has exceeded the number used by the county, on its Internet web site.

SECTION 2. IC 33-33-10-1.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 1.1. IC 33-29-1 does not apply to this chapter.**

SECTION 3. IC 33-33-10-2.5, AS ADDED BY P.L.201-2011, SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 2.5. (a) The Clark circuit court is a court of general jurisdiction with four (4) judges. The divisions of the court shall be known as Clark circuit court No. 1, No. 2, No. 3, and No. 4. Clark County constitutes the judicial district of the court and each of the court's divisions. The court shall maintain the following dockets:

(1) A small claims and misdemeanor division under IC 33-28-3 that has a:

(A) small claims docket; and

(B) minor offenses and violations docket.

(2) Criminal.

(3) Juvenile.

(4) Civil.

(5) Probate.

(b) The assignment of judges of the circuit court to the dockets specified in subsection (a) must be by rule of the circuit court.

(c) This section expires January 1, 2025.

SECTION 4. IC 33-33-10-2.7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 2.7. (a) This section applies beginning January 1, 2025.**

(b) The Clark circuit court is a court of general jurisdiction with six (6) judges.

(c) The court shall have six (6) divisions, known as Clark circuit court No. 1, No. 2, No. 3, No. 4, No. 5, and No. 6.

(d) Clark County constitutes the judicial district of the court and each of the court's divisions.

(e) The court shall maintain the following dockets:

(1) A small claims and misdemeanor division under IC 33-28-3 that has a:

(A) small claims docket; and

(B) minor offenses and violations docket.

(2) Criminal.

(3) Juvenile.

(4) Civil.

(5) Probate.

(f) The assignment of judges of the circuit court to the dockets specified in subsection (e) must be by rule of the circuit court.

SECTION 5. IC 33-33-10-2.8 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 2.8. (a) The first judge of Clark circuit court No. 5 elected under Article 7, Section 7 of the Constitution of the State of Indiana shall:**

(1) be elected at the November 2024 general election;

(2) take office January 1, 2025; and

(3) serve a term of six (6) years.

(b) The first judge of Clark circuit court No. 6 elected under Article 7, Section 7 of the Constitution of the State of Indiana shall:

(1) be elected at the November 2024 general election;

(2) take office January 1, 2025; and

(3) serve a term of six (6) years.

(c) This section expires January 1, 2026.

SECTION 6. IC 33-33-10-3.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 3.1. (a) Two (2) superior courts are established in Clark County.**

(b) Each court established by subsection (a) consists of one (1) judge, appointed by the governor.

(c) Each judge appointed under subsection (b) will take office July 1, 2021.

(d) The term of office of a judge appointed under subsection (b) expires January 1, 2025.

(e) To be eligible to hold office as a judge of Clark superior court, an individual must be:

(1) a resident of Clark County; and

(2) admitted to the bar of Indiana.

(f) The courts established by subsection (a) will convert to Clark circuit court No. 5 and Clark circuit court No. 6 on January 1, 2025.

(g) This section expires January 2, 2025.

SECTION 7. IC 33-33-10-4.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 4.1. (a) The superior courts shall be known as Clark superior court No. 5 and Clark superior court No. 6.**

(b) Clark County constitutes the judicial district of each court.

(c) Each superior court shall be a court of record having the same jurisdiction as the circuit court. A judge of the superior court has the same powers relating to the conduct of business of the court as the judge of the circuit court.

(d) Each court shall have a seal containing the words "Clark Superior Court _____ (insert "No. 5" or "No. 6") of Clark County, Indiana".

(e) This section expires January 1, 2025.

SECTION 8. IC 33-33-10-5.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 5.1. (a) Each judge of a superior court may make and adopt rules and regulations for conducting the business of the judge's court, not inconsistent with Indiana law.**

(b) This section expires January 1, 2025.

SECTION 9. IC 33-33-10-6.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 6.1. (a) Each judge of a superior court has the same power to do any of the following as is conferred on circuit courts or the judges of circuit courts:**

(1) Grant restraining orders and injunctions.

(2) Issue writs of habeas corpus and of mandate and prohibition.

(3) Appoint receivers, master commissioners to convey real property, and grant commissions for the examination of witnesses.

(4) Appoint other officers necessary to facilitate and transact the business of the court.

(b) This section expires January 1, 2025.

SECTION 10. IC 33-33-10-7.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 7.1. (a) Each superior court shall hold its sessions at the courthouse of the county, or at other convenient places in the county as the court designates.**

(b) The county commissioners shall provide suitable quarters for each court.

(c) This section expires January 1, 2025.

SECTION 11. IC 33-33-10-8.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 8.1. (a) The clerk, under the direction of a judge of the superior court, shall provide order**

books, judgment dockets, execution dockets, fee books, and such other books, papers, and records as are necessary for that court.

(b) All books, papers, and proceedings of each court shall be kept distinct and separate from those of other courts, and the records of all civil cases separate and apart from the records of juvenile matters.

(c) This section expires January 1, 2025.

SECTION 12. IC 33-33-10-9.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 9.1. (a) Each judge of a superior court shall appoint a bailiff for the court, whose salary shall be fixed and paid as provided by law.**

(b) This section expires January 1, 2025.

SECTION 13. IC 33-33-10-10.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 10.1. (a) Each judge of a superior court shall appoint a court reporter, whose duties, salary, and term shall be regulated in the same manner as the court reporter of circuit courts.**

(b) This section expires January 1, 2025.

SECTION 14. IC 33-33-10-11.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 11.1. (a) All laws governing the circuit court in matters of pleading, practice, the issuing and service of process, the giving of notice, the appointment of judges pro tempore and special judges, changes of venue from the judge and from the county, adjournments by the court and by the clerk in the absence of the judge, and the selection of jurors for the court are applicable to and govern the superior courts.**

(b) This section expires January 1, 2025.

SECTION 15. IC 33-33-10-12.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 12.1. (a) The process of each superior court must have the seal affixed and be attested, directed, served, and returned, and be in the form as is provided for process issuing from the circuit court.**

(b) This section expires January 1, 2025.

SECTION 16. IC 33-33-10-15.3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 15.3. (a) A judge of the circuit court may, with the consent of a judge of the superior court, transfer any action or proceeding from the circuit court to that superior court.**

(b) A judge of the superior court may, with the consent of a judge of the circuit court, transfer any action or proceeding from that superior court to that circuit court.

(c) A judge of the superior court may, with the consent of the judge of the other superior court, transfer any action or proceeding from that superior court to the other superior court.

(d) A judge of the circuit court may, with the consent of a judge of the superior court, sit as a judge of that superior court in any matter, as if the judge were judge of that superior court.

(e) A judge of the superior court may, with consent of a judge of the circuit court, sit as a judge of that circuit court as if the judge were judge of the circuit court.

(f) A judge of the superior court may, with the consent of the judge of the other superior court, sit as judge of the other superior court as if the judge of that superior court.

(g) This section expires January 1, 2025.

SECTION 17. IC 33-33-18-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 2. (a) The Delaware circuit court is a court of general jurisdiction with ~~five (5)~~ **six (6)** judges. The divisions of the court shall be known as Delaware circuit court No. 1, No. 2, No. 3, No. 4, ~~and~~ No. 5, **and No. 6.** The county of Delaware constitutes the judicial district of the court and each of the court's divisions. The court shall maintain the following dockets:

(1) Small claims.

(2) Minor offenses and violations.

(3) Criminal.

(4) Juvenile.

(5) Civil.

(6) Probate.

(b) The assignment of judges of the court to the dockets specified in subsection (a) shall be by rule of the court. ~~However, Delaware circuit~~

~~court No. 4 and Delaware circuit court No. 5 shall each have a standard small claims and misdemeanor docket.~~

SECTION 18. IC 33-33-18-2.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 2.1. (a) Notwithstanding section 2 of this chapter, Delaware circuit court No. 6 is established January 1, 2023.**

(b) The first judge of Delaware circuit court No. 6 shall:

(1) be elected at the November 2022 general election;

(2) take office January 1, 2023; and

(3) serve a term of six (6) years.

(c) This section expires January 1, 2029.

SECTION 19. IC 33-33-26-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 1. **(a)** Gibson County constitutes the sixty-sixth judicial circuit.

(b) The judges of the Gibson superior court and Gibson circuit court may appoint one (1) full-time magistrate under IC 33-23-5 to serve both courts.

(c) The magistrate continues in office until removed by the judge of the Gibson superior court and the judge of the Gibson circuit court.

SECTION 20. IC 33-33-29-6, AS AMENDED BY P.L.12-2014, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 6. (a) The judge of the Hamilton circuit court and the judges of the Hamilton superior courts may jointly appoint ~~three (3)~~ **four (4)** full-time magistrates under IC 33-23-5 to serve the circuit and superior courts.

(b) A magistrate continues in office until jointly removed by the judge of the Hamilton circuit court and the judges of the Hamilton superior courts.

SECTION 21. IC 33-33-40-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 1. (a) Jennings County constitutes the eighty-sixth judicial circuit.

(b) The Jennings circuit court has a standard small claims and misdemeanor division.

(c) The judge of the Jennings circuit court and the judge of the Jennings superior court may jointly appoint one (1) full-time

magistrate under IC 33-23-5 to serve the circuit and superior courts.

(d) A magistrate continues in office until jointly removed by the judge of the Jennings circuit court and the judge of the Jennings superior court.

SECTION 22. IC 33-33-50-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 2. (a) There are established ~~two (2)~~ **three (3)** courts of record to be known as the Marshall superior court No. 1, ~~and~~ the Marshall superior court No. 2, **and the Marshall superior court No. 3.**

(b) The Marshall superior courts are standard superior courts as described in IC 33-29-1.

(c) Marshall County comprises the judicial district of each court.

SECTION 23. IC 33-33-50-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 3. The Marshall superior court No. 1 has one (1) judge who shall hold sessions in the Marshall County courthouse in Plymouth. The Marshall superior court No. 2 has one (1) judge who shall hold sessions in a place in the county as the board of county commissioners may provide. **The Marshall superior court No. 3 has one (1) judge who shall hold sessions in a place in the county as the board of county commissioners may provide.**

SECTION 24. IC 35-33-8-12 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 12. (a) As used in this section, "disposition" has the meaning set forth in section 3.2(c) of this chapter.**

(b) The Indiana criminal justice institute shall collect the following data from each court exercising criminal jurisdiction in Indiana:

(1) Of those defendants who are released on personal recognizance, the number of defendants who are rearrested before the disposition of the defendant's charges.

(2) Of those defendants who are released pursuant to the payment of money bail of one thousand dollars ($1,000) or less, the number of defendants who are rearrested before the disposition of the defendant's charges.

(c) Data collected under subsection (b) shall be compiled in such a manner to present the rearrest rate for:

(1) the entire state;

(2) each county; and

(3) each circuit, superior, city, and town court, including each separate division of each court, if applicable.

(d) The Indiana criminal justice institute shall, before August 1, 2021, and before August 1 of each year thereafter, submit an annual report containing the information collected under this section to the legislative council in an electronic format under IC 5-14-6. The initial report submitted by the Indiana criminal justice institute before August 1, 2021, must also include all data described in subsection (b) for the period beginning after December 31, 2019, through December 31, 2020.

SECTION 25. [EFFECTIVE JULY 1, 2020] **(a) As used in this SECTION, "legislative council" refers to the legislative council created by IC 2-5-1.1-1.**

(b) The legislative council is urged to assign to the interim study committee on courts and the judiciary during the 2020 legislative interim the topic of providing mutual full faith and credit to the judgments, decrees, orders, warrants, subpoenas, and other judicial acts of a tribal court of a federally recognized Indian tribe (as defined by IC 5-33.5-2-1) that are not already given full faith and credit as required under federal law.

P.L.139-2020
[S.269. Approved March 21, 2020.]

AN ACT to amend the Indiana Code concerning labor and safety.

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

SECTION 1. IC 22-3-2-13, AS AMENDED BY P.L.275-2013, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 13. **(a)** Whenever an injury or death, for which compensation is payable under chapters 2 through 6 of this article shall have been sustained under circumstances creating in some other person than the employer and not in the same employ a legal liability to pay damages in respect thereto, the injured employee, or the injured employee's dependents, in case of death, may commence legal proceedings against the other person to recover damages notwithstanding the employer's or the employer's compensation insurance carrier's payment of or liability to pay compensation under chapters 2 through 6 of this article. In that case, however, if the action against the other person is brought by the injured employee or the injured employee's dependents and judgment is obtained and paid, and accepted or settlement is made with the other person, either with or without suit, then from the amount received by the employee or dependents there shall be paid to the employer or the employer's compensation insurance carrier, subject to its paying its pro-rata share of the reasonable and necessary costs and expenses of asserting the third party claim, the amount of compensation paid to the employee or dependents, plus the services and products and burial expenses paid by the employer or the employer's compensation insurance carrier and the liability of the employer or the employer's compensation insurance carrier to pay further compensation or other expenses shall thereupon terminate, whether or not one (1) or all of the dependents are entitled to share in the proceeds of the settlement or recovery and whether or not

one (1) or all of the dependents could have maintained the action or claim for wrongful death.

(b) In the event the injured employee or the employee's dependents, not having received compensation or services and products or death benefits from the employer or the employer's compensation insurance carrier, shall procure a judgment against the other party for injury or death, which judgment is paid, or if settlement is made with the other person either with or without suit, then the employer or the employer's compensation insurance carrier shall have no liability for payment of compensation or for payment of services and products or death benefits whatsoever, whether or not one (1) or all of the dependents are entitled to share in the proceeds of settlement or recovery and whether or not one (1) or all of the dependents could have maintained the action or claim for wrongful death.

(c) In the event any injured employee, or in the event of the employee's death, the employee's dependents, shall procure a final judgment against the other person other than by agreement, and the judgment is for a lesser sum than the amount for which the employer or the employer's compensation insurance carrier is liable for compensation and for services and products, as of the date the judgment becomes final, then the employee, or in the event of the employee's death, the employee's dependents, shall have the option of either collecting the judgment and repaying the employer or the employer's compensation insurance carrier for compensation previously drawn, if any, and repaying the employer or the employer's compensation insurance carrier for services and products previously paid, if any, and of repaying the employer or the employer's compensation insurance carrier the burial benefits paid, if any, or of assigning all rights under the judgment to the employer or the employer's compensation insurance carrier and thereafter receiving all compensation and services and products, to which the employee or in the event of the employee's death, which the employee's dependents would be entitled if there had been no action brought against the other party.

(d) If the injured employee or the employee's dependents shall agree to receive compensation from the employer or the employer's compensation insurance carrier or to accept from the employer or the employer's compensation insurance carrier, by loan or otherwise, any

payment on account of the compensation, or institute proceedings to recover the same, the employer or the employer's compensation insurance carrier shall have a lien upon any settlement award, judgment or fund out of which the employee might be compensated from the third party.

(e) The employee, or in the event of the employee's death, the employee's dependents, shall institute legal proceedings against the other person for damages, within two (2) years after the cause of action accrues. If, after the proceeding is commenced, it is dismissed, the employer or the employer's compensation insurance carrier, having paid compensation or having become liable therefor, may collect in their own name, or in the name of the injured employee, or, in case of death, in the name of the employee's dependents, from the other person in whom legal liability for damages exists, the compensation paid or payable to the injured employee, or the employee's dependents, plus services and products, and burial expenses paid by the employer or the employer's compensation insurance carrier or for which they have become liable. The employer or the employer's compensation insurance carrier may commence an action at law for collection against the other person in whom legal liability for damages exists, not later than one (1) year from the date the action so commenced has been dismissed, notwithstanding the provisions of any statute of limitations to the contrary.

(f) If the employee, or, in the event of the employee's death, the employee's dependents, shall fail to institute legal proceedings against the other person for damages within two (2) years after the cause of action accrues, the employer or the employer's compensation insurance carrier, having paid compensation, or having been liable therefor, may collect in their own name or in the name of the injured employee, or in the case of the employee's death, in the name of the employee's dependents, from the other person in whom legal liability for damage exists, the compensation paid or payable to the injured employee, or to the employee's dependents, plus the services and products, and burial expenses, paid by them, or for which they have become liable, and the employer or the employer's compensation insurance carrier may commence an action at law for collection against the other person in whom legal liability exists, at any time within one (1) year from the date of the expiration of the two (2) years when the action accrued to the

injured employee, or, in the event of the employee's death, to the employee's dependents, notwithstanding the provisions of any statute of limitations to the contrary.

(g) In actions brought by the employee or the employee's dependents, the employee or the employee's dependents shall, within thirty (30) days after the action is filed, notify the employer or the employer's compensation insurance carrier by personal service or registered mail, of the action and the name of the court in which such suit is brought, filing proof thereof in the action.

(h) The employer or the employer's compensation insurance carrier shall pay its pro rata share of all costs and reasonably necessary expenses in connection with asserting the third party claim, action or suit, including but not limited to cost of depositions and witness fees, and to the attorney at law selected by the employee or the employee's dependents, a fee of twenty-five percent (25%), if collected without suit, of the amount of benefits actually repaid after the expenses and costs in connection with the third party claim have been deducted therefrom, and a fee of thirty-three and one-third percent (33 1/3%), if collected with suit, of the amount of benefits actually repaid after deduction of costs and reasonably necessary expenses in connection with the third party claim action or suit. The employer may, within ninety (90) days after receipt of notice of suit from the employee or the employee's dependents, join in the action upon the ~~employee's~~ **employer's** motion so that all orders of court after hearing and judgment shall be made for the ~~employee's~~ **employer's** protection. An employer or the employer's compensation insurance carrier may waive its right to reimbursement under this section and, as a result of the waiver, not have to pay the pro-rata share of costs and expenses.

(i) No release or settlement of claim for damages by reason of injury or death, and no satisfaction of judgment in the proceedings, shall be valid without the written consent of both employer or the employer's compensation insurance carrier and employee or the employee's dependents, except in the case of the employer or the employer's compensation insurance carrier, consent shall not be required where the employer or the employer's compensation insurance carrier has been fully indemnified or protected by court order.

SECTION 2. IC 22-3-3-7, AS AMENDED BY P.L.204-2018, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 7. (a) Compensation shall be allowed on account of injuries producing only temporary total disability to work or temporary partial disability to work beginning with the eighth day of such disability except for medical benefits provided in section 4 of the chapter. Compensation shall be allowed for the first seven (7) calendar days only if the disability continues for longer than twenty-one (21) days.

(b) The first weekly installment of compensation for temporary disability is due fourteen (14) days after the disability begins. Not later than ~~fifteen (15)~~ **fourteen (14)** days from the date that the first installment of compensation is due, the employer or the employer's insurance carrier shall file **a report of payment of compensation** with the worker's compensation board electronically and tender to the employee or to the employee's dependents, with all compensation due, a properly prepared compensation agreement in a form prescribed by the board. **The presentation to the employee or to the employee's dependents of the check, draft, or electronic payment from the employer or the employer's insurance carrier for the proper amount, drawn upon a bank in which money is on deposit to pay the same on demand, shall be sufficient tender of the compensation.**

(c) Whenever an employer or the employer's insurance carrier denies or is not able to determine liability to pay compensation or benefits, the employer or the employer's insurance carrier shall notify the worker's compensation board and the employee in writing on a form prescribed by the worker's compensation board not later than thirty (30) days after the employer's knowledge of the claimed injury. If a determination of liability cannot be made within thirty (30) days, the worker's compensation board may approve an additional thirty (30) days upon a written request of the employer or the employer's insurance carrier that sets forth the reasons that the determination could not be made within thirty (30) days and states the facts or circumstances that are necessary to determine liability within the additional thirty (30) days. More than thirty (30) days of additional time may be approved by the worker's compensation board upon the filing of a petition by the employer or the employer's insurance carrier that sets forth:

(1) the extraordinary circumstances that have precluded a determination of liability within the initial sixty (60) days;

(2) the status of the investigation on the date the petition is filed;

(3) the facts or circumstances that are necessary to make a determination; and

(4) a timetable for the completion of the remaining investigation.

An employer who fails to comply with this section is subject to a civil penalty under IC 22-3-4-15.

~~(c)~~ **(d)** Once begun, temporary total disability benefits may not be terminated by the employer unless:

(1) the employee has returned to any employment;

(2) the employee has died;

(3) the employee has refused to undergo a medical examination under section 6 of this chapter or has refused to accept suitable employment under section 11 of this chapter;

(4) the employee has received five hundred (500) weeks of temporary total disability benefits or has been paid the maximum compensation allowed under section 22 of this chapter; or

(5) the employee is unable or unavailable to work for reasons unrelated to the compensable injury.

In each instance, the employer must provide written notice to the injured worker on a form approved by the board. In all other cases the employer must notify the employee in writing of the employer's intent to terminate the payment of temporary total disability benefits and of the availability of employment, if any, on a form approved by the board. **In all instances the employer must file an electronic notice of the termination with the board.**

(e) If the employee disagrees with the **termination or** proposed termination, the employee must give written notice of disagreement to the board and the employer within seven (7) days after receipt of the notice of intent to terminate benefits. If the board and employer do not receive a notice of disagreement under this section, the employee's temporary total disability benefits shall be terminated. Upon receipt of the notice of disagreement, the board shall immediately contact the parties, which may be by telephone or other means, and attempt to resolve the disagreement. If the board is unable to resolve the disagreement within ten (10) days of receipt of the notice of

disagreement, the board shall immediately arrange for an evaluation of the employee by an independent medical examiner. The independent medical examiner shall be selected by mutual agreement of the parties or, if the parties are unable to agree, appointed by the board under IC 22-3-4-11. If the independent medical examiner determines that the employee is no longer temporarily disabled or is still temporarily disabled but can return to employment that the employer has made available to the employee, or if the employee fails or refuses to appear for examination by the independent medical examiner, temporary total disability benefits may be terminated. If either party disagrees with the opinion of the independent medical examiner, the party shall apply to the board for a hearing under IC 22-3-4-5.

~~(d)~~ **(f)** An employer is not required to continue the payment of temporary total disability benefits for more than fourteen (14) days after the employer's proposed termination date unless the independent medical examiner determines that the employee is temporarily disabled and unable to return to any employment that the employer has made available to the employee.

~~(e)~~ **(g)** If it is determined that as a result of this section temporary total disability benefits were overpaid, the overpayment shall be deducted from any benefits due the employee under section 10 of this chapter and, if there are no benefits due the employee or the benefits due the employee do not equal the amount of the overpayment, the employee shall be responsible for paying any overpayment which cannot be deducted from benefits due the employee.

SECTION 3. IC 22-3-3-10, AS AMENDED BY P.L.275-2013, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 10. (a) With respect to injuries in the schedule set forth in subsection (d) occurring on and after July 1, 1979, and before July 1, 1988, the employee shall receive, in addition to temporary total disability benefits not to exceed fifty-two (52) weeks on account of the injury, a weekly compensation of sixty percent (60%) of the employee's average weekly wages, not to exceed one hundred twenty-five dollars ($125) average weekly wages, for the period stated for the injury.

(b) With respect to injuries in the schedule set forth in subsection (d) occurring on and after July 1, 1988, and before July 1, 1989, the employee shall receive, in addition to temporary total disability benefits

not exceeding seventy-eight (78) weeks on account of the injury, a weekly compensation of sixty percent (60%) of the employee's average weekly wages, not to exceed one hundred sixty-six dollars ($166) average weekly wages, for the period stated for the injury.

(c) With respect to injuries in the schedule set forth in subsection (d) occurring on and after July 1, 1989, and before July 1, 1990, the employee shall receive, in addition to temporary total disability benefits not exceeding seventy-eight (78) weeks on account of the injury, a weekly compensation of sixty percent (60%) of the employee's average weekly wages, not to exceed one hundred eighty-three dollars ($183) average weekly wages, for the period stated for the injury.

(d) With respect to injuries in the following schedule occurring on and after July 1, 1990, and before July 1, 1991, the employee shall receive, in addition to temporary total disability benefits not exceeding seventy-eight (78) weeks on account of the injury, a weekly compensation of sixty percent (60%) of the employee's average weekly wages, not to exceed two hundred dollars ($200) average weekly wages, for the period stated for the injury.

(1) Amputation: For the loss by separation of the thumb, sixty (60) weeks, of the index finger forty (40) weeks, of the second finger thirty-five (35) weeks, of the third or ring finger thirty (30) weeks, of the fourth or little finger twenty (20) weeks, of the hand by separation below the elbow joint two hundred (200) weeks, or the arm above the elbow two hundred fifty (250) weeks, of the big toe sixty (60) weeks, of the second toe thirty (30) weeks, of the third toe twenty (20) weeks, of the fourth toe fifteen (15) weeks, of the fifth or little toe ten (10) weeks, for loss occurring on and after April 1, 1959, by separation of the foot below the knee joint, one hundred seventy-five (175) weeks and of the leg above the knee joint two hundred twenty-five (225) weeks. The loss of more than one (1) phalange of a thumb or toes shall be considered as the loss of the entire thumb or toe. The loss of more than two (2) phalanges of a finger shall be considered as the loss of the entire finger. The loss of not more than one (1) phalange of a thumb or toe shall be considered as the loss of one-half (1/2) of the thumb or toe and compensation shall be paid for one-half (1/2) of the period for the loss of the entire thumb or toe. The loss of not more

than one (1) phalange of a finger shall be considered as the loss of one-third (1/3) of the finger and compensation shall be paid for one-third (1/3) the period for the loss of the entire finger. The loss of more than one (1) phalange of the finger but not more than two (2) phalanges of the finger, shall be considered as the loss of one-half (1/2) of the finger and compensation shall be paid for one-half (1/2) of the period for the loss of the entire finger.

(2) For the loss by separation of both hands or both feet or the total sight of both eyes, or any two (2) such losses in the same accident, five hundred (500) weeks.

(3) For the permanent and complete loss of vision by enucleation or its reduction to one-tenth (1/10) of normal vision with glasses, one hundred seventy-five (175) weeks.

(4) For the permanent and complete loss of hearing in one (1) ear, seventy-five (75) weeks, and in both ears, two hundred (200) weeks.

(5) For the loss of one (1) testicle, fifty (50) weeks; for the loss of both testicles, one hundred fifty (150) weeks.

(e) With respect to injuries in the schedule set forth in subsection (h) occurring on and after July 1, 1979, and before July 1, 1988, the employee shall receive, in addition to temporary total disability benefits not exceeding fifty-two (52) weeks on account of the injury, a weekly compensation of sixty percent (60%) of the employee's average weekly wages not to exceed one hundred twenty-five dollars ($125) average weekly wages for the period stated for the injury.

(f) With respect to injuries in the schedule set forth in subsection (h) occurring on and after July 1, 1988, and before July 1, 1989, the employee shall receive, in addition to temporary total disability benefits not exceeding seventy-eight (78) weeks on account of the injury, a weekly compensation of sixty percent (60%) of the employee's average weekly wages, not to exceed one hundred sixty-six dollars ($166) average weekly wages, for the period stated for the injury.

(g) With respect to injuries in the schedule set forth in subsection (h) occurring on and after July 1, 1989, and before July 1, 1990, the employee shall receive, in addition to temporary total disability benefits not exceeding seventy-eight (78) weeks on account of the injury, a weekly compensation of sixty percent (60%) of the employee's average

weekly wages, not to exceed one hundred eighty-three dollars ($183) average weekly wages, for the period stated for the injury.

(h) With respect to injuries in the following schedule occurring on and after July 1, 1990, and before July 1, 1991, the employee shall receive, in addition to temporary total disability benefits not exceeding seventy-eight (78) weeks on account of the injury, a weekly compensation of sixty percent (60%) of the employee's average weekly wages, not to exceed two hundred dollars ($200) average weekly wages, for the period stated for the injury.

(1) Loss of use: The total permanent loss of the use of an arm, hand, thumb, finger, leg, foot, toe, or phalange shall be considered as the equivalent of the loss by separation of the arm, hand, thumb, finger, leg, foot, toe, or phalange, and compensation shall be paid for the same period as for the loss thereof by separation.

(2) Partial loss of use: For the permanent partial loss of the use of an arm, hand, thumb, finger, leg, foot, toe, or phalange, compensation shall be paid for the proportionate loss of the use of such arm, hand, thumb, finger, leg, foot, toe, or phalange.

(3) For injuries resulting in total permanent disability, five hundred (500) weeks.

(4) For any permanent reduction of the sight of an eye less than a total loss as specified in subsection (d)(3), compensation shall be paid for a period proportionate to the degree of such permanent reduction without correction or glasses. However, when such permanent reduction without correction or glasses would result in one hundred percent (100%) loss of vision, but correction or glasses would result in restoration of vision, then in such event compensation shall be paid for fifty percent (50%) of such total loss of vision without glasses, plus an additional amount equal to the proportionate amount of such reduction with glasses, not to exceed an additional fifty percent (50%).

(5) For any permanent reduction of the hearing of one (1) or both ears, less than the total loss as specified in subsection (d)(4), compensation shall be paid for a period proportional to the degree of such permanent reduction.

(6) In all other cases of permanent partial impairment, compensation proportionate to the degree of such permanent

partial impairment, in the discretion of the worker's compensation board, not exceeding five hundred (500) weeks.

(7) In all cases of permanent disfigurement which may impair the future usefulness or opportunities of the employee, compensation, in the discretion of the worker's compensation board, not exceeding two hundred (200) weeks, except that no compensation shall be payable under this subdivision where compensation is payable elsewhere in this section.

(i) With respect to injuries in the following schedule occurring on and after July 1, 1991, the employee shall receive in addition to temporary total disability benefits, not exceeding one hundred twenty-five (125) weeks on account of the injury, compensation in an amount determined under the following schedule to be paid weekly at a rate of sixty-six and two-thirds percent (66 2/3%) of the employee's average weekly wages during the fifty-two (52) weeks immediately preceding the week in which the injury occurred.

(1) Amputation: For the loss by separation of the thumb, twelve (12) degrees of permanent impairment; of the index finger, eight (8) degrees of permanent impairment; of the second finger, seven (7) degrees of permanent impairment; of the third or ring finger, six (6) degrees of permanent impairment; of the fourth or little finger, four (4) degrees of permanent impairment; of the hand by separation below the elbow joint, forty (40) degrees of permanent impairment; of the arm above the elbow, fifty (50) degrees of permanent impairment; of the big toe, twelve (12) degrees of permanent impairment; of the second toe, six (6) degrees of permanent impairment; of the third toe, four (4) degrees of permanent impairment; of the fourth toe, three (3) degrees of permanent impairment; of the fifth or little toe, two (2) degrees of permanent impairment; by separation of the foot below the knee joint, thirty-five (35) degrees of permanent impairment; and of the leg above the knee joint, forty-five (45) degrees of permanent impairment.

(2) Amputations: For the loss by separation of any of the body parts described in subdivision (1) on or after July 1, 1997, and for the loss by separation of any of the body parts described in subdivision (3), (5), or (8), on or after July 1, 1999, the dollar

values per degree applying on the date of the injury as described in subsection (j) shall be multiplied by two (2). However, the doubling provision of this subdivision does not apply to a loss of use that is not a loss by separation.

(3) The loss of more than one (1) phalange of a thumb or toe shall be considered as the loss of the entire thumb or toe. The loss of more than two (2) phalanges of a finger shall be considered as the loss of the entire finger. The loss of not more than one (1) phalange of a thumb or toe shall be considered as the loss of one-half (1/2) of the degrees of permanent impairment for the loss of the entire thumb or toe. The loss of not more than one (1) phalange of a finger shall be considered as the loss of one-third (1/3) of the finger and compensation shall be paid for one-third (1/3) of the degrees payable for the loss of the entire finger. The loss of more than one (1) phalange of the finger but not more than two (2) phalanges of the finger shall be considered as the loss of one-half (1/2) of the finger and compensation shall be paid for one-half (1/2) of the degrees payable for the loss of the entire finger.

(4) For the loss by separation of both hands or both feet or the total sight of both eyes or any two (2) such losses in the same accident, one hundred (100) degrees of permanent impairment.

(5) For the permanent and complete loss of vision by enucleation, thirty-five (35) degrees of permanent impairment.

~~(6) For the reduction of vision to one-tenth (1/10) of normal vision with glasses, thirty-five (35) degrees of permanent impairment.~~

~~(7)~~ **(6)** For the permanent and complete loss of hearing in one (1) ear, fifteen (15) degrees of permanent impairment, and in both ears, forty (40) degrees of permanent impairment.

~~(8)~~ **(7)** For the loss of one (1) testicle, ten (10) degrees of permanent impairment; for the loss of both testicles, thirty (30) degrees of permanent impairment.

~~(9)~~ **(8)** Loss of use: The total permanent loss of the use of an arm, a hand, a thumb, a finger, a leg, a foot, a toe, or a phalange shall be considered as the equivalent of the loss by separation of the arm, hand, thumb, finger, leg, foot, toe, or phalange, and compensation shall be paid in the same amount as for the loss by

separation. However, the doubling provision of subdivision (2) does not apply to a loss of use that is not a loss by separation.

~~(10)~~ **(9)** Partial loss of use: For the permanent partial loss of the use of an arm, a hand, a thumb, a finger, a leg, a foot, a toe, or a phalange, compensation shall be paid for the proportionate loss of the use of the arm, hand, thumb, finger, leg, foot, toe, or phalange.

~~(11)~~ **(10)** For injuries resulting in total permanent disability, the amount payable for impairment or five hundred (500) weeks of compensation, whichever is greater.

~~(12) For any permanent reduction of the sight of an eye less than a total loss as specified in subsection (h)(4), the compensation shall be paid in an amount proportionate to the degree of a permanent reduction without correction or glasses. However, when a permanent reduction without correction or glasses would result in one hundred percent (100%) loss of vision, then compensation shall be paid for fifty percent (50%) of the total loss of vision without glasses, plus an additional amount equal to the proportionate amount of the reduction with glasses, not to exceed an additional fifty percent (50%).~~

(11) Visual impairments shall be based on the Functional Vision Score (FVS) assessing the visual acuity and visual field to evaluate any reduction in ability to perform vision-related Activities of Daily Living (ADL). Unless such loss is otherwise specified in subdivision (5), visual impairments shall be paid as a whole person rating.

~~(13)~~ **(12)** For any permanent reduction of the hearing of one (1) or both ears, less than the total loss as specified in subsection (h)(5), compensation shall be paid in an amount proportionate to the degree of a permanent reduction.

~~(14)~~ **(13)** In all other cases of permanent partial impairment, compensation proportionate to the degree of a permanent partial impairment, in the discretion of the worker's compensation board, not exceeding one hundred (100) degrees of permanent impairment.

~~(15)~~ **(14)** In all cases of permanent disfigurement which may impair the future usefulness or opportunities of the employee, compensation, in the discretion of the worker's compensation

board, not exceeding forty (40) degrees of permanent impairment except that no compensation shall be payable under this subdivision where compensation is payable elsewhere in this section.

(j) Compensation for permanent partial impairment shall be paid according to the degree of permanent impairment for the injury determined under subsection (i) and the following:

(1) With respect to injuries occurring on and after July 1, 1991, and before July 1, 1992, for each degree of permanent impairment from one (1) to thirty-five (35), five hundred dollars ($500) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), nine hundred dollars ($900) per degree; for each degree of permanent impairment above fifty (50), one thousand five hundred dollars ($1,500) per degree.

(2) With respect to injuries occurring on and after July 1, 1992, and before July 1, 1993, for each degree of permanent impairment from one (1) to twenty (20), five hundred dollars ($500) per degree; for each degree of permanent impairment from twenty-one (21) to thirty-five (35), eight hundred dollars ($800) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), one thousand three hundred dollars ($1,300) per degree; for each degree of permanent impairment above fifty (50), one thousand seven hundred dollars ($1,700) per degree.

(3) With respect to injuries occurring on and after July 1, 1993, and before July 1, 1997, for each degree of permanent impairment from one (1) to ten (10), five hundred dollars ($500) per degree; for each degree of permanent impairment from eleven (11) to twenty (20), seven hundred dollars ($700) per degree; for each degree of permanent impairment from twenty-one (21) to thirty-five (35), one thousand dollars ($1,000) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), one thousand four hundred dollars ($1,400) per degree; for each degree of permanent impairment above fifty (50), one thousand seven hundred dollars ($1,700) per degree.

(4) With respect to injuries occurring on and after July 1, 1997, and before July 1, 1998, for each degree of permanent impairment from one (1) to ten (10), seven hundred fifty dollars ($750) per

degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), one thousand dollars ($1,000) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), one thousand four hundred dollars ($1,400) per degree; for each degree of permanent impairment above fifty (50), one thousand seven hundred dollars ($1,700) per degree.

(5) With respect to injuries occurring on and after July 1, 1998, and before July 1, 1999, for each degree of permanent impairment from one (1) to ten (10), seven hundred fifty dollars ($750) per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), one thousand dollars ($1,000) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), one thousand four hundred dollars ($1,400) per degree; for each degree of permanent impairment above fifty (50), one thousand seven hundred dollars ($1,700) per degree.

(6) With respect to injuries occurring on and after July 1, 1999, and before July 1, 2000, for each degree of permanent impairment from one (1) to ten (10), nine hundred dollars ($900) per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), one thousand one hundred dollars ($1,100) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), one thousand six hundred dollars ($1,600) per degree; for each degree of permanent impairment above fifty (50), two thousand dollars ($2,000) per degree.

(7) With respect to injuries occurring on and after July 1, 2000, and before July 1, 2001, for each degree of permanent impairment from one (1) to ten (10), one thousand one hundred dollars ($1,100) per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), one thousand three hundred dollars ($1,300) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), two thousand dollars ($2,000) per degree; for each degree of permanent impairment above fifty (50), two thousand five hundred fifty dollars ($2,500) per degree.

(8) With respect to injuries occurring on and after July 1, 2001, and before July 1, 2007, for each degree of permanent impairment from one (1) to ten (10), one thousand three hundred dollars

($1,300) per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), one thousand five hundred dollars ($1,500) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), two thousand four hundred dollars ($2,400) per degree; for each degree of permanent impairment above fifty (50), three thousand dollars ($3,000) per degree.

(9) With respect to injuries occurring on and after July 1, 2007, and before July 1, 2008, for each degree of permanent impairment from one (1) to ten (10), one thousand three hundred forty dollars ($1,340) per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), one thousand five hundred forty-five dollars ($1,545) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), two thousand four hundred seventy-five dollars ($2,475) per degree; for each degree of permanent impairment above fifty (50), three thousand one hundred fifty dollars ($3,150) per degree.

(10) With respect to injuries occurring on and after July 1, 2008, and before July 1, 2009, for each degree of permanent impairment from one (1) to ten (10), one thousand three hundred sixty-five dollars ($1,365) per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), one thousand five hundred seventy dollars ($1,570) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), two thousand five hundred twenty-five dollars ($2,525) per degree; for each degree of permanent impairment above fifty (50), three thousand two hundred dollars ($3,200) per degree.

(11) With respect to injuries occurring on and after July 1, 2009, and before July 1, 2010, for each degree of permanent impairment from one (1) to ten (10), one thousand three hundred eighty dollars ($1,380) per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), one thousand five hundred eighty-five dollars ($1,585) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), two thousand six hundred dollars ($2,600) per degree; for each degree of permanent impairment above fifty (50), three thousand three hundred dollars ($3,300) per degree.

(12) With respect to injuries occurring on and after July 1, 2010, and before July 1, 2014, for each degree of permanent impairment from one (1) to ten (10), one thousand four hundred dollars ($1,400) per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), one thousand six hundred dollars ($1,600) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), two thousand seven hundred dollars ($2,700) per degree; for each degree of permanent impairment above fifty (50), three thousand five hundred dollars ($3,500) per degree.

(13) With respect to injuries occurring on and after July 1, 2014, and before July 1, 2015, for each degree of permanent impairment from one (1) to ten (10), one thousand five hundred seventeen dollars ($1,517) per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), one thousand seven hundred seventeen dollars ($1,717) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), two thousand eight hundred sixty-two dollars ($2,862) per degree; for each degree of permanent impairment above fifty (50), three thousand six hundred eighty-seven dollars ($3,687) per degree.

(14) With respect to injuries occurring on and after July 1, 2015, and before July 1, 2016, for each degree of permanent impairment from one (1) to ten (10), one thousand six hundred thirty-three dollars ($1,633) per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), one thousand eight hundred thirty-five dollars ($1,835) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), three thousand twenty-four dollars ($3,024) per degree; for each degree of permanent impairment above fifty (50), three thousand eight hundred seventy-three dollars ($3,873) per degree.

(15) With respect to injuries occurring on and after July 1, 2016, for each degree of permanent impairment from one (1) to ten (10), one thousand seven hundred fifty dollars ($1,750) per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), one thousand nine hundred fifty-two dollars ($1,952) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), three thousand one hundred

eighty-six dollars ($3,186) per degree; for each degree of permanent impairment above fifty (50), four thousand sixty dollars ($4,060) per degree.

(k) The average weekly wages used in the determination of compensation for permanent partial impairment under subsections (i) and (j) shall not exceed the following:

(1) With respect to injuries occurring on or after July 1, 1991, and before July 1, 1992, four hundred ninety-two dollars ($492).

(2) With respect to injuries occurring on or after July 1, 1992, and before July 1, 1993, five hundred forty dollars ($540).

(3) With respect to injuries occurring on or after July 1, 1993, and before July 1, 1994, five hundred ninety-one dollars ($591).

(4) With respect to injuries occurring on or after July 1, 1994, and before July 1, 1997, six hundred forty-two dollars ($642).

(5) With respect to injuries occurring on or after July 1, 1997, and before July 1, 1998, six hundred seventy-two dollars ($672).

(6) With respect to injuries occurring on or after July 1, 1998, and before July 1, 1999, seven hundred two dollars ($702).

(7) With respect to injuries occurring on or after July 1, 1999, and before July 1, 2000, seven hundred thirty-two dollars ($732).

(8) With respect to injuries occurring on or after July 1, 2000, and before July 1, 2001, seven hundred sixty-two dollars ($762).

(9) With respect to injuries occurring on or after July 1, 2001, and before July 1, 2002, eight hundred twenty-two dollars ($822).

(10) With respect to injuries occurring on or after July 1, 2002, and before July 1, 2006, eight hundred eighty-two dollars ($882).

(11) With respect to injuries occurring on or after July 1, 2006, and before July 1, 2007, nine hundred dollars ($900).

(12) With respect to injuries occurring on or after July 1, 2007, and before July 1, 2008, nine hundred thirty dollars ($930).

(13) With respect to injuries occurring on or after July 1, 2008, and before July 1, 2009, nine hundred fifty-four dollars ($954).

(14) With respect to injuries occurring on or after July 1, 2009, and before July 1, 2014, nine hundred seventy-five dollars ($975).

(15) With respect to injuries occurring on or after July 1, 2014, and before July 1, 2015, one thousand forty dollars ($1,040).

(16) With respect to injuries occurring on or after July 1, 2015, and before July 1, 2016, one thousand one hundred five dollars ($1,105).

(17) With respect to injuries occurring on or after July 1, 2016, one thousand one hundred seventy dollars ($1,170).

SECTION 4. IC 22-3-4-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 3. (a) The board shall prepare and cause to be printed, and upon request furnish free of charge to any employer or employee, such blank forms and literature as it shall deem requisite to facilitate or promote the efficient administration of this chapter, IC 22-3-2 through IC 22-3-3, and IC 22-3-5 through IC 22-3-6. The accident reports and reports of attending physicians shall be the private records of the board, which shall be open to the inspection of the employer, the employee and their legal representatives, but not the public unless, in the opinion of the board, the public interest shall so require.

(b) In order to prevent the accumulation of unnecessary and useless files of papers, the board may destroy or otherwise dispose of under IC 5-15-5.1-14 all papers that have been on file for more than two (2) years, when there is no claim for compensation pending, or, when compensation has been awarded either by agreement or upon hearing, and more than ~~one (1) year has~~ **two (2) years have** elapsed since the termination of the compensation period as fixed by such board.

SECTION 5. IC 22-3-7-16, AS AMENDED BY P.L.204-2018, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 16. (a) Compensation shall be allowed on account of disablement from occupational disease resulting in only temporary total disability to work or temporary partial disability to work beginning with the eighth day of such disability except for the medical benefits provided for in section 17 of this chapter. Compensation shall be allowed for the first seven (7) calendar days only as provided in this section. The first weekly installment of compensation for temporary disability is due fourteen (14) days after the disability begins. Not later than ~~fifteen (15)~~ **fourteen (14)** days from the date that the first installment of compensation is due, the employer or the employer's insurance carrier shall file **a report of payment of compensation** with the worker's compensation board electronically and

tender to the employee or to the employee's dependents, with all compensation due, a properly prepared compensation agreement in a form prescribed by the board. **The presentation to the employee or to the employee's dependents of the check, draft, or electronic payment from the employer or the employer's insurance carrier for the proper amount, drawn upon a bank in which money is on deposit to pay the same on demand, shall be sufficient tender of the compensation.**

(b) Whenever an employer or the employer's insurance carrier denies or is not able to determine liability to pay compensation or benefits, the employer or the employer's insurance carrier shall notify the worker's compensation board and the employee in writing on a form prescribed by the worker's compensation board not later than thirty (30) days after the employer's knowledge of the claimed disablement. If a determination of liability cannot be made within thirty (30) days, the worker's compensation board may approve an additional thirty (30) days upon a written request of the employer or the employer's insurance carrier that sets forth the reasons that the determination could not be made within thirty (30) days and states the facts or circumstances that are necessary to determine liability within the additional thirty (30) days. More than thirty (30) days of additional time may be approved by the worker's compensation board upon the filing of a petition by the employer or the employer's insurance carrier that sets forth:

(1) the extraordinary circumstances that have precluded a determination of liability within the initial sixty (60) days;

(2) the status of the investigation on the date the petition is filed;

(3) the facts or circumstances that are necessary to make a determination; and

(4) a timetable for the completion of the remaining investigation.

An employer who fails to comply with this section is subject to a civil penalty under IC 22-3-4-15.

~~(b)~~ **(c)** Once begun, temporary total disability benefits may not be terminated by the employer unless:

(1) the employee has returned to work;

(2) the employee has died;

(3) the employee has refused to undergo a medical examination under section 20 of this chapter;

(4) the employee has received five hundred (500) weeks of temporary total disability benefits or has been paid the maximum compensation allowable under section 19 of this chapter; or

(5) the employee is unable or unavailable to work for reasons unrelated to the compensable disease.

In each instance, the employer must provide written notice to the injured worker on a form approved by the board. In all other cases the employer must notify the employee in writing of the employer's intent to terminate the payment of temporary total disability benefits, and of the availability of employment, if any, on a form approved by the board. **In all instances, the employer must file an electronic notice of the termination with the board.**

(d) If the employee disagrees with the **termination or** proposed termination, the employee must give written notice of disagreement to the board and the employer within seven (7) days after receipt of the notice of intent to terminate benefits. If the board and employer do not receive a notice of disagreement under this section, the employee's temporary total disability benefits shall be terminated. Upon receipt of the notice of disagreement, the board shall immediately contact the parties, which may be by telephone or other means and attempt to resolve the disagreement. If the board is unable to resolve the disagreement within ten (10) days of receipt of the notice of disagreement, the board shall immediately arrange for an evaluation of the employee by an independent medical examiner. The independent medical examiner shall be selected by mutual agreement of the parties or, if the parties are unable to agree, appointed by the board under IC 22-3-4-11. If the independent medical examiner determines that the employee is no longer temporarily disabled or is still temporarily disabled but can return to employment that the employer has made available to the employee, or if the employee fails or refuses to appear for examination by the independent medical examiner, temporary total disability benefits may be terminated. If either party disagrees with the opinion of the independent medical examiner, the party shall apply to the board for a hearing under section 27 of this chapter.

~~(c)~~ **(e)** An employer is not required to continue the payment of temporary total disability benefits for more than fourteen (14) days after the employer's proposed termination date unless the independent

medical examiner determines that the employee is temporarily disabled and unable to return to any employment that the employer has made available to the employee.

~~(d)~~ **(f)** If it is determined that as a result of this section temporary total disability benefits were overpaid, the overpayment shall be deducted from any benefits due the employee under this section and, if there are no benefits due the employee or the benefits due the employee do not equal the amount of the overpayment, the employee shall be responsible for paying any overpayment which cannot be deducted from benefits due the employee.

~~(e)~~ **(g)** For disablements occurring on and after July 1, 1976, from occupational disease resulting in temporary total disability for any work there shall be paid to the disabled employee during the temporary total disability weekly compensation equal to sixty-six and two-thirds percent (66 2/3%) of the employee's average weekly wages, as defined in section 19 of this chapter, for a period not to exceed five hundred (500) weeks. Compensation shall be allowed for the first seven (7) calendar days only if the disability continues for longer than twenty-one (21) days.

~~(f)~~ **(h)** For disablements occurring on and after July 1, 1974, from occupational disease resulting in temporary partial disability for work there shall be paid to the disabled employee during such disability a weekly compensation equal to sixty-six and two-thirds percent (66 2/3%) of the difference between the employee's average weekly wages, as defined in section 19 of this chapter, and the weekly wages at which the employee is actually employed after the disablement, for a period not to exceed three hundred (300) weeks. Compensation shall be allowed for the first seven (7) calendar days only if the disability continues for longer than twenty-one (21) days. In case of partial disability after the period of temporary total disability, the latter period shall be included as a part of the maximum period allowed for partial disability.

~~(g)~~ **(i)** For disabilities occurring on and after July 1, 1979, and before July 1, 1988, from occupational disease in the schedule set forth in subsection ~~(j)~~, **(l),** the employee shall receive in addition to disability benefits, not exceeding fifty-two (52) weeks on account of the occupational disease, a weekly compensation of sixty percent (60%) of

the employee's average weekly wages, not to exceed one hundred twenty-five dollars ($125) average weekly wages, for the period stated for the disabilities.

~~(h)~~ **(j)** For disabilities occurring on and after July 1, 1988, and before July 1, 1989, from occupational disease in the schedule set forth in subsection ~~(j),~~ **(l),** the employee shall receive in addition to disability benefits, not exceeding seventy-eight (78) weeks on account of the occupational disease, a weekly compensation of sixty percent (60%) of the employee's average weekly wages, not to exceed one hundred sixty-six dollars ($166) average weekly wages, for the period stated for the disabilities.

~~(i)~~ **(k)** For disabilities occurring on and after July 1, 1989, and before July 1, 1990, from occupational disease in the schedule set forth in subsection ~~(j),~~ **(l),** the employee shall receive in addition to disability benefits, not exceeding seventy-eight (78) weeks on account of the occupational disease, a weekly compensation of sixty percent (60%) of the employee's average weekly wages, not to exceed one hundred eighty-three dollars ($183) average weekly wages, for the period stated for the disabilities.

~~(j)~~ **(l)** For disabilities occurring on and after July 1, 1990, and before July 1, 1991, from occupational disease in the following schedule, the employee shall receive in addition to disability benefits, not exceeding seventy-eight (78) weeks on account of the occupational disease, a weekly compensation of sixty percent (60%) of the employee's average weekly wages, not to exceed two hundred dollars ($200) average weekly wages, for the period stated for the disabilities.

(1) Amputations: For the loss by separation, of the thumb, sixty (60) weeks; of the index finger, forty (40) weeks; of the second finger, thirty-five (35) weeks; of the third or ring finger, thirty (30) weeks; of the fourth or little finger, twenty (20) weeks; of the hand by separation below the elbow, two hundred (200) weeks; of the arm above the elbow joint, two hundred fifty (250) weeks; of the big toe, sixty (60) weeks; of the second toe, thirty (30) weeks; of the third toe, twenty (20) weeks; of the fourth toe, fifteen (15) weeks; of the fifth or little toe, ten (10) weeks; of the foot below the knee joint, one hundred fifty (150) weeks; and of the leg above the knee joint, two hundred (200) weeks. The loss of more than

one (1) phalange of a thumb or toe shall be considered as the loss of the entire thumb or toe. The loss of more than two (2) phalanges of a finger shall be considered as the loss of the entire finger. The loss of not more than one (1) phalange of a thumb or toe shall be considered as the loss of one-half (1/2) of the thumb or toe and compensation shall be paid for one-half (1/2) of the period for the loss of the entire thumb or toe. The loss of not more than two (2) phalanges of a finger shall be considered as the loss of one-half (1/2) the finger and compensation shall be paid for one-half (1/2) of the period for the loss of the entire finger.

(2) Loss of Use: The total permanent loss of the use of an arm, hand, thumb, finger, leg, foot, toe, or phalange shall be considered as the equivalent of the loss by separation of the arm, hand, thumb, finger, leg, foot, toe, or phalange and the compensation shall be paid for the same period as for the loss thereof by separation.

(3) Partial Loss of Use: For the permanent partial loss of the use of an arm, hand, thumb, finger, leg, foot, toe, or phalange, compensation shall be paid for the proportionate loss of the use of such arm, hand, thumb, finger, leg, foot, toe, or phalange.

(4) For disablements for occupational disease resulting in total permanent disability, five hundred (500) weeks.

(5) For the loss of both hands, or both feet, or the total sight of both eyes, or any two (2) of such losses resulting from the same disablement by occupational disease, five hundred (500) weeks.

(6) For the permanent and complete loss of vision by enucleation of an eye, or its reduction to one-tenth (1/10) of normal vision with glasses, one hundred fifty (150) weeks, and for any other permanent reduction of the sight of an eye, compensation shall be paid for a period proportionate to the degree of such permanent reduction without correction or glasses. However, when such permanent reduction without correction or glasses would result in one hundred percent (100%) loss of vision, but correction or glasses would result in restoration of vision, then compensation shall be paid for fifty percent (50%) of such total loss of vision without glasses plus an additional amount equal to the

proportionate amount of such reduction with glasses, not to exceed an additional fifty percent (50%).

(7) For the permanent and complete loss of hearing, two hundred (200) weeks.

(8) In all other cases of permanent partial impairment, compensation proportionate to the degree of such permanent partial impairment, in the discretion of the worker's compensation board, not exceeding five hundred (500) weeks.

(9) In all cases of permanent disfigurement, which may impair the future usefulness or opportunities of the employee, compensation in the discretion of the worker's compensation board, not exceeding two hundred (200) weeks, except that no compensation shall be payable under this paragraph where compensation shall be payable under subdivisions (1) through (8). Where compensation for temporary total disability has been paid, this amount of compensation shall be deducted from any compensation due for permanent disfigurement.

~~(k)~~ **(m)** With respect to disablements in the following schedule occurring on and after July 1, 1991, the employee shall receive in addition to temporary total disability benefits, not exceeding one hundred twenty-five (125) weeks on account of the disablement, compensation in an amount determined under the following schedule to be paid weekly at a rate of sixty-six and two-thirds percent (66 2/3%) of the employee's average weekly wages during the fifty-two (52) weeks immediately preceding the week in which the disablement occurred:

(1) Amputation: For the loss by separation of the thumb, twelve (12) degrees of permanent impairment; of the index finger, eight (8) degrees of permanent impairment; of the second finger, seven (7) degrees of permanent impairment; of the third or ring finger, six (6) degrees of permanent impairment; of the fourth or little finger, four (4) degrees of permanent impairment; of the hand by separation below the elbow joint, forty (40) degrees of permanent impairment; of the arm above the elbow, fifty (50) degrees of permanent impairment; of the big toe, twelve (12) degrees of permanent impairment; of the second toe, six (6) degrees of permanent impairment; of the third toe, four (4) degrees of permanent impairment; of the fourth toe, three (3) degrees of

permanent impairment; of the fifth or little toe, two (2) degrees of permanent impairment; of separation of the foot below the knee joint, thirty-five (35) degrees of permanent impairment; and of the leg above the knee joint, forty-five (45) degrees of permanent impairment.

(2) Amputations occurring on or after July 1, 1997: For the loss by separation of any of the body parts described in subdivision (1) on or after July 1, 1997, the dollar values per degree applying on the date of the injury as described in subsection ~~(l)~~ **(n)** shall be multiplied by two (2). However, the doubling provision of this subdivision does not apply to a loss of use that is not a loss by separation.

(3) The loss of more than one (1) phalange of a thumb or toe shall be considered as the loss of the entire thumb or toe. The loss of more than two (2) phalanges of a finger shall be considered as the loss of the entire finger. The loss of not more than one (1) phalange of a thumb or toe shall be considered as the loss of one-half (1/2) of the degrees of permanent impairment for the loss of the entire thumb or toe. The loss of not more than one (1) phalange of a finger shall be considered as the loss of one-third (1/3) of the finger and compensation shall be paid for one-third (1/3) of the degrees payable for the loss of the entire finger. The loss of more than one (1) phalange of the finger but not more than two (2) phalanges of the finger shall be considered as the loss of one-half (1/2) of the finger and compensation shall be paid for one-half (1/2) of the degrees payable for the loss of the entire finger.

(4) For the loss by separation of both hands or both feet or the total sight of both eyes or any two (2) such losses in the same accident, one hundred (100) degrees of permanent impairment.

(5) For the permanent and complete loss of vision by enucleation or its reduction to one-tenth (1/10) of normal vision with glasses, thirty-five (35) degrees of permanent impairment.

(6) For the permanent and complete loss of hearing in one (1) ear, fifteen (15) degrees of permanent impairment, and in both ears, forty (40) degrees of permanent impairment.

(7) For the loss of one (1) testicle, ten (10) degrees of permanent impairment; for the loss of both testicles, thirty (30) degrees of permanent impairment.

(8) Loss of use: The total permanent loss of the use of an arm, a hand, a thumb, a finger, a leg, a foot, a toe, or a phalange shall be considered as the equivalent of the loss by separation of the arm, hand, thumb, finger, leg, foot, toe, or phalange, and compensation shall be paid in the same amount as for the loss by separation. However, the doubling provision of subdivision (2) does not apply to a loss of use that is not a loss by separation.

(9) Partial loss of use: For the permanent partial loss of the use of an arm, a hand, a thumb, a finger, a leg, a foot, a toe, or a phalange, compensation shall be paid for the proportionate loss of the use of the arm, hand, thumb, finger, leg, foot, toe, or phalange.

(10) For disablements resulting in total permanent disability, the amount payable for impairment or five hundred (500) weeks of compensation, whichever is greater.

(11) ~~For any permanent reduction of the sight of an eye less than a total loss as specified in subdivision (5), the compensation shall be paid in an amount proportionate to the degree of a permanent reduction without correction or glasses. However, when a permanent reduction without correction or glasses would result in one hundred percent (100%) loss of vision, then compensation shall be paid for fifty percent (50%) of the total loss of vision without glasses, plus an additional amount equal to the proportionate amount of the reduction with glasses, not to exceed an additional fifty percent (50%).~~ **Visual impairments shall be based on the Functional Vision Score (FVS) assessing the visual acuity and visual field to evaluate any reduction in ability to perform vision-related Activities of Daily Living (ADL). Unless such loss is otherwise specified in subdivision (5), visual impairments shall be paid as a whole person rating.**

(12) For any permanent reduction of the hearing of one (1) or both ears, less than the total loss as specified in subdivision (6), compensation shall be paid in an amount proportionate to the degree of a permanent reduction.

(13) In all other cases of permanent partial impairment, compensation proportionate to the degree of a permanent partial impairment, in the discretion of the worker's compensation board, not exceeding one hundred (100) degrees of permanent impairment.

(14) In all cases of permanent disfigurement which may impair the future usefulness or opportunities of the employee, compensation, in the discretion of the worker's compensation board, not exceeding forty (40) degrees of permanent impairment except that no compensation shall be payable under this subdivision where compensation is payable elsewhere in this section.

~~(l)~~ **(n)** With respect to disablements occurring on and after July 1, 1991, compensation for permanent partial impairment shall be paid according to the degree of permanent impairment for the disablement determined under subsection ~~(k)~~ **(m)** and the following:

(1) With respect to disablements occurring on and after July 1, 1991, and before July 1, 1992, for each degree of permanent impairment from one (1) to thirty-five (35), five hundred dollars ($500) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), nine hundred dollars ($900) per degree; for each degree of permanent impairment above fifty (50), one thousand five hundred dollars ($1,500) per degree.

(2) With respect to disablements occurring on and after July 1, 1992, and before July 1, 1993, for each degree of permanent impairment from one (1) to twenty (20), five hundred dollars ($500) per degree; for each degree of permanent impairment from twenty-one (21) to thirty-five (35), eight hundred dollars ($800) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), one thousand three hundred dollars ($1,300) per degree; for each degree of permanent impairment above fifty (50), one thousand seven hundred dollars ($1,700) per degree.

(3) With respect to disablements occurring on and after July 1, 1993, and before July 1, 1997, for each degree of permanent impairment from one (1) to ten (10), five hundred dollars ($500) per degree; for each degree of permanent impairment from eleven (11) to twenty (20), seven hundred dollars ($700) per degree; for

each degree of permanent impairment from twenty-one (21) to thirty-five (35), one thousand dollars ($1,000) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), one thousand four hundred dollars ($1,400) per degree; for each degree of permanent impairment above fifty (50), one thousand seven hundred dollars ($1,700) per degree.

(4) With respect to disablements occurring on and after July 1, 1997, and before July 1, 1998, for each degree of permanent impairment from one (1) to ten (10), seven hundred fifty dollars ($750) per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), one thousand dollars ($1,000) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), one thousand four hundred dollars ($1,400) per degree; for each degree of permanent impairment above fifty (50), one thousand seven hundred dollars ($1,700) per degree.

(5) With respect to disablements occurring on and after July 1, 1998, and before July 1, 1999, for each degree of permanent impairment from one (1) to ten (10), seven hundred fifty dollars ($750) per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), one thousand dollars ($1,000) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), one thousand four hundred dollars ($1,400) per degree; for each degree of permanent impairment above fifty (50), one thousand seven hundred dollars ($1,700) per degree.

(6) With respect to disablements occurring on and after July 1, 1999, and before July 1, 2000, for each degree of permanent impairment from one (1) to ten (10), nine hundred dollars ($900) per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), one thousand one hundred dollars ($1,100) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), one thousand six hundred dollars ($1,600) per degree; for each degree of permanent impairment above fifty (50), two thousand dollars ($2,000) per degree.

(7) With respect to disablements occurring on and after July 1, 2000, and before July 1, 2001, for each degree of permanent impairment from one (1) to ten (10), one thousand one hundred dollars ($1,100) per degree; for each degree of permanent

impairment from eleven (11) to thirty-five (35), one thousand three hundred dollars ($1,300) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), two thousand dollars ($2,000) per degree; for each degree of permanent impairment above fifty (50), two thousand five hundred fifty dollars ($2,500) per degree.

(8) With respect to disablements occurring on and after July 1, 2001, and before July 1, 2007, for each degree of permanent impairment from one (1) to ten (10), one thousand three hundred dollars ($1,300) per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), one thousand five hundred dollars ($1,500) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), two thousand four hundred dollars ($2,400) per degree; for each degree of permanent impairment above fifty (50), three thousand dollars ($3,000) per degree.

(9) With respect to disablements occurring on and after July 1, 2007, and before July 1, 2008, for each degree of permanent impairment from one (1) to ten (10), one thousand three hundred forty dollars ($1,340) per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), one thousand five hundred forty-five dollars ($1,545) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), two thousand four hundred seventy-five dollars ($2,475) per degree; for each degree of permanent impairment above fifty (50), three thousand one hundred fifty dollars ($3,150) per degree.

(10) With respect to disablements occurring on and after July 1, 2008, and before July 1, 2009, for each degree of permanent impairment from one (1) to ten (10), one thousand three hundred sixty-five dollars ($1,365) per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), one thousand five hundred seventy dollars ($1,570) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), two thousand five hundred twenty-five dollars ($2,525) per degree; for each degree of permanent impairment above fifty (50), three thousand two hundred dollars ($3,200) per degree.

(11) With respect to disablements occurring on and after July 1, 2009, and before July 1, 2010, for each degree of permanent impairment from one (1) to ten (10), one thousand three hundred eighty dollars ($1,380) per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), one thousand five hundred eighty-five dollars ($1,585) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), two thousand six hundred dollars ($2,600) per degree; for each degree of permanent impairment above fifty (50), three thousand three hundred dollars ($3,300) per degree.

(12) With respect to disablements occurring on and after July 1, 2010, and before July 1, 2014, for each degree of permanent impairment from one (1) to ten (10), one thousand four hundred dollars ($1,400) per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), one thousand six hundred dollars ($1,600) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), two thousand seven hundred dollars ($2,700) per degree; for each degree of permanent impairment above fifty (50), three thousand five hundred dollars ($3,500) per degree.

(13) With respect to disablements occurring on and after July 1, 2014, and before July 1, 2015, for each degree of permanent impairment from one (1) to ten (10), one thousand five hundred seventeen dollars ($1,517) per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), one thousand seven hundred seventeen dollars ($1,717) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), two thousand eight hundred sixty-two dollars ($2,862) per degree; for each degree of permanent impairment above fifty (50), three thousand six hundred eighty-seven dollars ($3,687) per degree.

(14) With respect to disablements occurring on and after July 1, 2015, and before July 1, 2016, for each degree of permanent impairment from one (1) to ten (10), one thousand six hundred thirty-three dollars ($1,633) per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), one thousand eight hundred thirty-five dollars ($1,835) per degree; for

each degree of permanent impairment from thirty-six (36) to fifty (50), three thousand twenty-four dollars ($3,024) per degree; for each degree of permanent impairment above fifty (50), three thousand eight hundred seventy-three dollars ($3,873) per degree.

(15) With respect to disablements occurring on and after July 1, 2016, for each degree of permanent impairment from one (1) to ten (10), one thousand seven hundred fifty dollars ($1,750) per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), one thousand nine hundred fifty-two dollars ($1,952) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), three thousand one hundred eighty-six dollars ($3,186) per degree; for each degree of permanent impairment above fifty (50), four thousand sixty dollars ($4,060) per degree.

~~(m)~~ **(o)** The average weekly wages used in the determination of compensation for permanent partial impairment under subsections ~~(k)~~ **(m)** and ~~(l)~~ **(n)** shall not exceed the following:

(1) With respect to disablements occurring on or after July 1, 1991, and before July 1, 1992, four hundred ninety-two dollars ($492).

(2) With respect to disablements occurring on or after July 1, 1992, and before July 1, 1993, five hundred forty dollars ($540).

(3) With respect to disablements occurring on or after July 1, 1993, and before July 1, 1994, five hundred ninety-one dollars ($591).

(4) With respect to disablements occurring on or after July 1, 1994, and before July 1, 1997, six hundred forty-two dollars ($642).

(5) With respect to disablements occurring on or after July 1, 1997, and before July 1, 1998, six hundred seventy-two dollars ($672).

(6) With respect to disablements occurring on or after July 1, 1998, and before July 1, 1999, seven hundred two dollars ($702).

(7) With respect to disablements occurring on or after July 1, 1999, and before July 1, 2000, seven hundred thirty-two dollars ($732).

(8) With respect to disablements occurring on or after July 1, 2000, and before July 1, 2001, seven hundred sixty-two dollars ($762).

(9) With respect to disablements occurring on or after July 1, 2001, and before July 1, 2002, eight hundred twenty-two dollars ($822).

(10) With respect to disablements occurring on or after July 1, 2002, and before July 1, 2006, eight hundred eighty-two dollars ($882).

(11) With respect to disablements occurring on or after July 1, 2006, and before July 1, 2007, nine hundred dollars ($900).

(12) With respect to disablements occurring on or after July 1, 2007, and before July 1, 2008, nine hundred thirty dollars ($930).

(13) With respect to disablements occurring on or after July 1, 2008, and before July 1, 2009, nine hundred fifty-four dollars ($954).

(14) With respect to disablements occurring on or after July 1, 2009, and before July 1, 2014, nine hundred seventy-five dollars ($975).

(15) With respect to disablements occurring on or after July 1, 2014, and before July 1, 2015, one thousand forty dollars ($1,040).

(16) With respect to disablements occurring on or after July 1, 2015, and before July 1, 2016, one thousand one hundred five dollars ($1,105).

(17) With respect to disablements occurring on or after July 1, 2016, one thousand one hundred seventy dollars ($1,170).

~~(n)~~ **(p)** If any employee, only partially disabled, refuses employment suitable to the employee's capacity procured for the employee, the employee shall not be entitled to any compensation at any time during the continuance of such refusal unless, in the opinion of the worker's compensation board, such refusal was justifiable. The employee must be served with a notice setting forth the consequences of the refusal under this subsection. The notice must be in a form prescribed by the worker's compensation board.

~~(o)~~ **(q)** If an employee has sustained a permanent impairment or disability from an accidental injury other than an occupational disease

in another employment than that in which the employee suffered a subsequent disability from an occupational disease, such as herein specified, the employee shall be entitled to compensation for the subsequent disability in the same amount as if the previous impairment or disability had not occurred. However, if the permanent impairment or disability resulting from an occupational disease for which compensation is claimed results only in the aggravation or increase of a previously sustained permanent impairment from an occupational disease or physical condition regardless of the source or cause of such previously sustained impairment from an occupational disease or physical condition, the board shall determine the extent of the previously sustained permanent impairment from an occupational disease or physical condition as well as the extent of the aggravation or increase resulting from the subsequent permanent impairment or disability, and shall award compensation only for that part of said occupational disease or physical condition resulting from the subsequent permanent impairment. An amputation of any part of the body or loss of any or all of the vision of one (1) or both eyes caused by an occupational disease shall be considered as a permanent impairment or physical condition.

~~(p)~~ **(r)** If an employee suffers a disablement from an occupational disease for which compensation is payable while the employee is still receiving or entitled to compensation for a previous injury by accident or disability by occupational disease in the same employment, the employee shall not at the same time be entitled to compensation for both, unless it be for a permanent injury, such as specified in subsection ~~(k)(1), (k)(4), (k)(5), (k)(8), or (k)(9),~~ **(m)(1), (m)(4), (m)(5), (m)(8), or (m)(9),** but the employee shall be entitled to compensation for that disability and from the time of that disability which will cover the longest period and the largest amount payable under this chapter.

~~(q)~~ **(s)** If an employee receives a permanent disability from an occupational disease such as specified in subsection ~~(k)(1), (k)(4), (k)(5), (k)(8), or (k)(9)~~ **(m)(1), (m)(4), (m)(5), (m)(8), or (m)(9)** after having sustained another such permanent disability in the same employment the employee shall be entitled to compensation for both such disabilities, but the total compensation shall be paid by extending the period and not by increasing the amount of weekly compensation

and, when such previous and subsequent permanent disabilities, in combination result in total permanent disability or permanent total impairment, compensation shall be payable for such permanent total disability or impairment, but payments made for the previous disability or impairment shall be deducted from the total payment of compensation due.

~~(r)~~ **(t)** When an employee has been awarded or is entitled to an award of compensation for a definite period from an occupational disease wherein disablement occurs on and after April 1, 1963, and such employee dies from other causes than such occupational disease, payment of the unpaid balance of such compensation not exceeding three hundred fifty (350) weeks shall be paid to the employee's dependents of the second and third class as defined in sections 11 through 14 of this chapter and compensation, not exceeding five hundred (500) weeks shall be made to the employee's dependents of the first class as defined in sections 11 through 14 of this chapter.

~~(s)~~ **(u)** Any payment made by the employer to the employee during the period of the employee's disability, or to the employee's dependents, which, by the terms of this chapter, was not due and payable when made, may, subject to the approval of the worker's compensation board, be deducted from the amount to be paid as compensation, but such deduction shall be made from the distal end of the period during which compensation must be paid, except in cases of temporary disability.

~~(t)~~ **(v)** When so provided in the compensation agreement or in the award of the worker's compensation board, compensation may be paid semimonthly, or monthly, instead of weekly.

~~(u)~~ **(w)** When the aggregate payments of compensation awarded by agreement or upon hearing to an employee or dependent under eighteen (18) years of age do not exceed one hundred dollars ($100), the payment thereof may be made directly to such employee or dependent, except when the worker's compensation board shall order otherwise.

~~(v)~~ **(x)** Whenever the aggregate payments of compensation, due to any person under eighteen (18) years of age, exceed one hundred dollars ($100), the payment thereof shall be made to a trustee, appointed by the circuit or superior court, or to a duly qualified guardian, or, upon the order of the worker's compensation board, to a parent or to such minor

person. The payment of compensation, due to any person eighteen (18) years of age or over, may be made directly to such person.

~~(w)~~ **(y)** If an employee, or a dependent, is mentally incompetent, or a minor at the time when any right or privilege accrues to the employee under this chapter, the employee's guardian or trustee may, in the employee's behalf, claim and exercise such right and privilege.

~~(x)~~ **(z)** All compensation payments named and provided for in this section, shall mean and be defined to be for only such occupational diseases and disabilities therefrom as are proved by competent evidence, of which there are or have been objective conditions or symptoms proven, not within the physical or mental control of the employee.

SECTION 6. IC 22-3-7-28 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 28. In order to prevent the accumulation of unnecessary and useless files of papers, the board, in its discretion, may destroy all papers which have been on file for more than two (2) years when there is no claim for compensation pending, or, when compensation has been awarded either by agreement or upon hearing, and more than ~~one (1) year has~~ **two (2) years have** elapsed since the termination of the compensation period as fixed by the board, but notices of election or rejection shall not be destroyed. However, all records of insurance coverage shall be maintained for ~~forty-five (45)~~ **thirty-five (35)** years.

SECTION 7. IC 22-3-7-36, AS AMENDED BY P.L.275-2013, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 36. (a) Whenever disablement or death from an occupational disease arising out of and in the course of the employment for which compensation is payable under this chapter, shall have been sustained under circumstances creating in some other person than the employer and not in the same employ a legal liability to pay damages in respect thereto, the injured employee, or the employee's dependents, in case of death, may commence legal proceedings against such other person to recover damages notwithstanding such employer's or such employer's occupational disease insurance carrier's payment of, or liability to pay, compensation under this chapter. In such case, however, if the action against such other person is brought by the injured employee or the employee's dependents and judgment is obtained and paid and accepted and settlement is made with such other

person, either with or without suit, then from the amount received by such employee or dependents there shall be paid to the employer, or such employer's occupational disease insurance carrier, the amount of compensation paid to such employee or dependents, plus the services and products and burial expense paid by the employer or such employer's occupational disease insurance carrier, and the liability of the employer or such employer's occupational disease insurance carrier to pay further compensation or other expenses shall thereupon terminate, whether or not one (1) or all of the dependents are entitled to share in the proceeds of the settlement or recovery and whether or not one (1) or all of the dependents could have maintained the action or claim for wrongful death.

(b) In the event such employee or the employee's dependents, not having received compensation or services and products or death benefits, or such employer's occupational disease insurance carrier, shall procure a judgment against such other party for disablement or death from an occupational disease arising out of and in the course of the employment, which judgment is paid, or if settlement is made with such other person, either with or without suit, then the employer or such employer's occupational disease insurance carrier shall have no liability for payment of compensation or for payment of medical, surgical, hospital, or nurse's services and supplies or death benefits whatsoever, whether or not one (1) or all of the dependents are entitled to share in the proceeds of settlement or recovery and whether or not one (1) or all of the dependents could have maintained the action or claim for wrongful death.

(c) In the event an employee, or in the event of the employee's death, the employee's dependents, shall procure a final judgment against such other person other than by agreement, for disablement or death from an occupational disease arising out of and in the course of the employment and such judgment is for a lesser sum than the amount for which the employer or such employer's occupational disease insurance carrier is liable for compensation and for services and products, as of the date the judgment becomes final, then the employee, or in the event of the employee's death, the employee's dependents, shall have the option of either collecting such judgment and repaying the employer or such employer's occupational disease insurance carrier for compensation

previously drawn, if any, and repaying the employer or such employer's occupational disease insurance carrier for services and products previously paid, if any, and of repaying the employer or such employer's occupational disease insurance carrier, the burial benefits paid, if any, or of assigning all rights under said judgment to the employer or such employer's occupational disease insurance carrier and thereafter receiving all compensation and services and products to which the employee, or in the event of the employee's death, to which the employee's dependents would be entitled if there had been no action brought against such other party.

(d) If the employee or the employee's dependents agree to receive compensation, because of an occupational disease arising out of and in the course of the employment, from the employer or such employer's occupational disease insurance carrier, or to accept from the employer or such employer's occupational disease insurance carrier by loan or otherwise, any payment on account of such compensation or institute proceedings to recover the same, the said employer or such employer's occupational disease insurance carrier shall have a lien upon any settlement award, judgment, or fund out of which such employee might be compensated from the third party.

(e) The employee, or in the event of the employee's death, the employee's dependents, shall institute legal proceedings against such other person for damages within two (2) years after said cause of action accrues. If, after said proceeding is commenced, the same is dismissed, the employer or such employer's occupational disease insurance carrier, having paid compensation or having become liable therefor, may collect in their own name or in the name of the employee with a disability, or in the case of death, in the name of the employee's dependents, from the other person in whom legal liability for damages exists, the compensation paid or payable to the employee with a disability, or the employee's dependents, plus such services and products and burial expense paid by the employer or such employer's occupational disease insurance carrier for which they have become liable. The employer or such employer's occupational disease insurance carrier may commence such action at law for such collection against the other person in whom legal liability for damages exists, not later than one (1) year from the

date said action so commenced, has been dismissed, notwithstanding the provisions of any statute of limitations to the contrary.

(f) If said employee, or in the event of the employee's death, the employee's dependents, shall fail to institute legal proceedings, against such other person for damages within two (2) years after said cause of action accrues, the employer or such employer's occupational disease insurance carrier, having paid compensation or having been liable therefor, may collect in their own name or in the name of the employee with a disability, or in the case of the employee's death, in the name of the employee's dependents, from the other person in whom legal liability for damage exists, the compensation paid or payable to the employee with a disability or to the employee's dependents, plus the services and products and burial expenses, paid by them or for which they have become liable, and the employer or such employer's occupational disease insurance carrier may commence such action at law for such collection against such other person in whom legal liability exists at any time within one (1) year from the date of the expiration of the two (2) years when the action accrued to the employee with a disability or, in the event of the employee's death, to the employee's dependents, notwithstanding the provisions of any statute of limitations to the contrary.

(g) In such actions brought as provided in this section by the employee or the employee's dependents, the employee or the employee's dependents shall, within thirty (30) days after such action is filed, notify the employer or such employer's occupational disease insurance carrier, by personal service or registered or certified mail, of such fact and the name of the court in which suit is brought, filing proof thereof in such action.

(h) If the employer does not join in the action within ninety (90) days after receipt of the notice, then out of any actual money reimbursement received by the employer or such employer's occupational disease insurance carrier pursuant to this section, they shall pay their pro rata share of all costs and reasonably necessary expenses in connection with such third party claim, action, or suit, and to the attorney at law selected by the employee or the employee's dependents, a fee of twenty-five percent (25%), if collected without trial, of the amount of benefits after the expenses and costs in connection with such third party claim have

been deducted therefrom, and a fee of thirty-three and one-third percent (33 1/3%), if collected after trial, of the amount of such benefits after deduction of the costs and reasonably necessary expenses in connection with such third party claim, action, or suit. The employer may, within ninety (90) days after receipt of notice of suit from the employee or the employee's dependents, join in the action upon the ~~employee's~~ **employer's** motion so that all orders of court after hearing and judgment shall be made for the ~~employee's~~ **employer's** protection.

(i) No release or settlement of claim for damages by reason of such injury or death, and no satisfaction of judgment in such proceedings shall be valid without the written consent of both employer or such employer's occupational disease insurance carrier, and employee, or the employee's dependents. However, in the case of the employer or such employer's occupational disease insurance carrier, such consent shall not be required where the employer or such employer's occupational disease insurance carrier has been fully indemnified or protected by court order.

P.L.140-2020
[S.302. Approved March 21, 2020.]

AN ACT to amend the Indiana Code concerning courts and court officers.

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

SECTION 1. IC 35-33-7-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 6. (a) Prior to the completion of the initial hearing, the judicial officer shall determine whether a person who requests assigned counsel is indigent **under**

section 6.5 of this chapter. If the person is found to be indigent, the judicial officer shall assign counsel to the person.

(b) If jurisdiction over an indigent defendant is transferred to another court, the receiving court shall assign counsel immediately upon acquiring jurisdiction over the defendant.

(c) If the court finds that the person is able to pay part of the cost of representation by the assigned counsel, the court shall order the person to pay the following:

(1) For a felony action, a fee of one hundred dollars ($100).

(2) For a misdemeanor action, a fee of fifty dollars ($50).

If the court orders the person to pay an amount described in subdivision (1) or (2), the court shall inquire at sentencing whether the person has paid the required amount. The clerk of the court shall deposit fees collected under this subsection in the county's supplemental public defender services fund established under IC 33-40-3-1.

(d) The court may review the finding of indigency at any time during the proceedings **if:**

(1) the court receives evidence of a material change in the person's income or assets; or

(2) the person has failed to provide the court with sufficient evidence, including documentary evidence, to sustain the court's initial indigency determination.

SECTION 2. IC 35-33-7-6.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 6.5. (a) In determining whether a person is indigent, the court shall consider the following:**

(1) The person's assets.

(2) The person's income.

(3) The person's necessary expenses.

(b) The court may consider that a person's eligibility for:

(1) the federal Supplemental Nutrition Assistance Program (SNAP) (except for 21 U.S.C. 862a(a));

(2) the federal and Indiana TANF (Temporary Assistance for Needy Families) program (except for 21 U.S.C. 862a(a)); or

(3) another need based public assistance program;

constitutes sufficient evidence to establish that a person is indigent.

(c) The court may issue an initial indigency determination

pending receipt of documentary or other evidence from the person concerning the person's income, assets, expenses, or welfare eligibility.

(d) If the court finds that the person is able to pay some of the fines, fees, and court costs, the court may prorate the person's fine, fee, and court costs, and require the person to pay an amount that the person can reasonably afford.

P.L.141-2020
[S.334. Approved March 21, 2020.]

AN ACT to amend the Indiana Code concerning elections.

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

SECTION 1. IC 3-5-2-26.3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 26.3. "IDEA" refers to the Indiana data enhancement association established by IC 3-7-38.2-5.5.**

SECTION 2. IC 3-6-3.7-6, AS ADDED BY P.L.157-2019, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) If, upon investigation, the secretary of state determines that a criminal violation of this title may have occurred, the secretary of state and the co-directors of the election division shall refer the facts drawn from the investigation to the prosecuting attorney of the judicial circuit in which the crime may have been committed.

(b) The secretary of state and election division ~~shall~~ **may** assist the prosecuting attorney in prosecuting an action under this section, which may include an attorney employed **or retained** by the secretary of state or the election division serving as a special deputy prosecutor appointed by the prosecuting attorney.

SECTION 3. IC 3-6-4.2-14, AS AMENDED BY P.L.278-2019, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 14. (a) Each year in which a general or municipal election is held, the election division shall call a meeting of all the members of the county election boards, ~~and~~ the boards of registration **(subject to IC 3-7-12), and the boards of elections and registration (as defined in IC 3-5-2-5.3)** to instruct them regarding all of the following:

(1) Their duties under this title and federal law (including HAVA and NVRA).

(2) Requirements and best practices concerning cybersecurity for the computerized list, voting systems, and electronic poll books.

(3) Physical security for all aspects of the election process, including voting systems, electronic poll books, absentee voting, and polling places.

(4) Requirements and best practices to ensure that voting systems, precinct polling places, and vote centers are accessible to voters with disabilities.

(5) Best practices in answering voters' questions on how to vote, including providing instructions to voters on straight ticket voting.

(b) The election division may, but is not required to, call a meeting under this section during a year in which a general or a municipal election is not held.

(c) Each circuit court clerk, ~~and~~ each member of a board of registration established under IC 3-7-12, **and each member of a board of elections and registration** shall attend a meeting called by the election division under this section. A circuit court clerk, ~~or~~ member of a board of registration, **or member of a board of elections and registration** may require the attendance of the following:

(1) Each of the circuit court clerk's, ~~or~~ board of registration member's, **or board of elections and registration member's** appointed and acting chief deputies or chief assistants with election related responsibilities.

(2) If the number of deputies or assistants:

(A) is not more than three (3), one (1) of the clerk's or member's appointed and acting deputies or assistants; or

(B) is greater than three (3), two (2) of the clerk's or member's appointed and acting deputies or assistants.

(d) The election division shall set the time and place of the instructional meeting. In years in which a primary election is held, the election division:

(1) may conduct the meeting before the first day of the year; and

(2) shall conduct the meeting before primary election day.

The instructional meeting may not last for more than two (2) days.

(e) Each individual required to attend the meeting under subsection (c) and an individual who has been elected or selected to serve as circuit court clerk but has not yet begun serving in that office is entitled to receive all of the following from the county general fund without appropriation:

(1) A per diem of twenty-four dollars ($24) for attending the instructional meeting called by the election division under this section.

(2) A mileage allowance at the state rate for the distance necessarily traveled in going and returning from the place of the instructional meeting called by the election division under this section.

(3) Reimbursement for the payment of the instructional meeting registration fee.

(4) An allowance for lodging for each night preceding conference attendance equal to the lodging allowance provided to state employees in travel status.

SECTION 4. IC 3-7-26.4-4, AS AMENDED BY P.L.157-2019, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) The election division may provide parts and reports from the voter registration information from the computerized list for the purposes specified under IC 3-7-26.3-29.

(b) Except as otherwise provided in this section, the parts and reports provided under this section may not include information described under section 8 of this chapter.

(c) The parts and reports may contain the information described in section 8 of this chapter if:

(1) the part or report is to be provided to an entity that:

(A) is described in section 6 of this chapter; and

(B) has previously submitted an application to the election division and paid any required fee to obtain the complete compilation; or

(2) the part or report is a purely statistical compilation that:

(A) includes the information described in section 8 of this chapter; and

(B) does not include any information:

(i) concerning an individual voter; or

(ii) that would permit the identification of an individual voter as a result of providing the compilation.

(d) The parts and reports provided under this section may not include the complete Social Security number of any individual.

(e) The election division may provide the registration information described in section 8 of this chapter, including an individual's voting history, as follows:

(1) To states and local governments in states that are implementing any voter list maintenance program described in IC 3-7-38.2-5, including a program implemented with information obtained from another state under ~~IC 3-7-38.2-5(b).~~ **IC 3-7-38.2-5.5.**

(2) Upon written request, to law enforcement officials conducting an investigation.

SECTION 5. IC 3-7-38.2-2, AS AMENDED BY P.L.157-2019, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 2. (a) **Except as provided in subsection (b) or (c),** a voter list maintenance program conducted under this chapter must:

(1) be uniform, nondiscriminatory, and in compliance with the Voting Rights Act of 1965 (52 U.S.C. 10101);

(2) not result in the removal of the name of a person from the official list of voters solely due to the person's failure to vote; and

(3) be completed not later than ninety (90) days before a primary **or** general ~~or municipal~~ election.

(b) A voter list maintenance program conducted under this chapter in a year other than a year in which a general election is conducted must:

(1) comply with the requirements set forth in subsection (a)(1) and (a)(2); and

(2) be completed not later than twenty-nine (29) days before a municipal election or special election (other than for a federal office) is conducted.

(c) If a special election is required for a vacancy in a federal office in a year in which a general election is not conducted, the voter list maintenance program conducted under this chapter must:

(1) comply with the requirements of subsection (a)(1) and (a)(2); and

(2) be completed not later than ninety (90) days before the date that the special election is conducted.

A voter list maintenance program may also be conducted under this section in a calendar year following the date of the special election if the program is completed no later than the deadline set forth in subsection (a).

~~(b)~~ **(d)** A county voter registration office may conduct a voter list maintenance program that complies with subsection (a). In conducting a voter list maintenance program, the county voter registration office shall mail a notice described in subsection ~~(d)~~ **(f)** to each voter whose registration has not previously been canceled or designated as inactive under this chapter at the mailing address:

(1) listed in the voter's registration record; and

(2) determined by the county voter registration office not to be the voter's current residence address.

~~(c)~~ **(e)** A county voter registration office may use information only from the following sources to make the determination under subsection ~~(b)(2):~~ **(d)(2):**

(1) The United States Postal Service National Change of Address Service.

(2) A court regarding jury duty notices returned because of an unknown or insufficient address.

(3) The return of a mailing sent by the county voter registration office to all active voters (as defined in IC 3-11-18.1-2) in the county because of an unknown or insufficient address.

(4) The bureau of motor vehicles concerning the surrender of a voter's Indiana license for the operation of a motor vehicle to another jurisdiction.

(5) The return by the United States Postal Service after the expiration of the seven (7) day pending period of a notice regarding the disposition of a voter registration application under IC 3-7-33-5 because of an unknown or insufficient address.

(6) The return of a mailing sent to voters of a precinct advising voters of a change of precinct boundary or the precinct polling place because of an unknown or insufficient address, if the county sends a similar mailing to the voters of each precinct when a boundary or polling place is changed.

(7) Information received from the election division under section 5 of this chapter or section 16 of this chapter.

(8) A declination to register by the voter stating that the voter resides at an address different from the address on the voter's registration record.

~~(d)~~ **(f)** The notice described in subsection ~~(b)~~ **(d)** must:

(1) be sent by first class United States mail, postage prepaid, by a method that requires the notice to be forwarded to the voter; and

(2) include a postage prepaid return card that:

(A) is addressed to the county voter registration office;

(B) states a date (which must be at least thirty (30) days after the date the notice is mailed) by which the card must be returned or the voter's registration will become inactive until the information is provided to the county voter registration office; and

(C) permits the voter to provide the voter's current residence address.

~~(e)~~ **(g)** If a voter returns the card described in subsection ~~(d)(2)~~ **(f)(2)** and provides a current residence address that establishes that the voter resides:

(1) in the county, the county voter registration office shall update the voter's registration record; or

(2) outside the county, the county voter registration office shall cancel the voter's registration.

~~(f)~~ **(h)** If a card is returned as undeliverable due to an unknown or insufficient address by the United States Postal Service after the date specified in subsection ~~(d)(2)(B),~~ **(f)(2)(B),** the county voter registration office shall, when registration reopens after the next primary, general, or municipal election, determine whether the voter voted or appeared to vote from the address set forth in the registration record at any election occurring after the final day for completing voter list maintenance activities, and if not, then designate the voter as inactive.

~~(g)~~ **(i)** If a voter does not return the card described in subsection ~~(d)(2)~~ **(f)(2)** by the date specified in subsection ~~(d)(2)(B),~~ **(f)(2)(B),** the county voter registration office shall indicate in the voter's registration record that the voter's registration is inactive.

~~(h)~~ **(j)** A voter's registration that becomes inactive under subsection ~~(f)~~ **(h)** or ~~(g)~~ **(i)** remains in inactive status from the date described in subsection ~~(d)(2)(B)~~ **(f)(2)(B)** until the earlier of the following:

(1) The date the county voter registration office updates or cancels the voter's registration under subsection ~~(e)~~ **(g)** after the voter provides a current residence address.

(2) The day after the second general election in which the voter has not voted or appeared to vote.

~~(i)~~ **(k)** After the date described in subsection ~~(h)(2),~~ **(j)(2),** the county voter registration office shall remove the voter's registration from the voter registration records.

SECTION 6. IC 3-7-38.2-5, AS AMENDED BY P.L.116-2018, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. ~~(a)~~ To assist in performing voter list maintenance under this chapter, the NVRA official shall submit the names of all registered voters in Indiana to the United States Postal Service National Change of Address Service. The submission under this chapter shall be compiled from the county voter registration information submitted to the election division under IC 3-7-26.3.

~~(b) This subsection does not require the NVRA official to request voter registration data from a state listed in this subsection if the NVRA official will be receiving voter registration data from that state under the memorandum of understanding described in subsection (d). To assist in performing voter list maintenance under this chapter, not later than December 31 of each calendar year the NVRA official shall request that~~

~~the chief state election official who is responsible for the coordination of state responsibilities under NVRA in each of the following states provide a list of the registered voters in that state:~~

~~(1) Florida.~~

~~(2) Illinois.~~

~~(3) Kentucky.~~

~~(4) Michigan.~~

~~(5) Ohio.~~

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

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

~~(1) The first name, last name, and date of birth of the Indiana voter is identical to the first name, last name, and date of birth of the voter registered in the other state.~~

~~(2) A comparison of the records indicates that there is a confidence factor that the records are for the same individual resulting from the accumulation of at least seventy-five (75) points based on the following criteria:~~

~~(A) Full Social Security number: 40 points.~~

~~(B) Last four (4) digits of Social Security number: 10 points.~~

~~(C) Indiana driver's license or identification card number: 50 points.~~

~~(D) Date of birth: 25 points.~~

~~(E) Last Name: 15 points.~~

~~(F) First Name: 15 points.~~

~~(G) Middle Name: 5 points.~~

~~(H) Suffix: 5 points.~~

~~(I) Street Address 1: 10 points.~~

~~(J) Zip Code (first five (5) digits): 5 points.~~

~~(e) The county voter registration office shall determine whether the individual:~~

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

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

~~(f) If the county voter registration office determines that the voter is described by subsection (e), the county voter registration office shall cancel the voter registration of that voter.~~

SECTION 7. IC 3-7-38.2-5.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 5.1. (a) The actions of the NVRA officials to execute a memorandum of understanding with the Kansas Secretary of State under section 5(d) of this chapter, before its amendment by the 121st general assembly, are void.**

(b) The secretary of state shall promptly notify the Kansas Secretary of State that Indiana is no longer a party to the memorandum of understanding.

(c) This section has no effect on any voter list maintenance activity undertaken by the NVRA officials of a county voter registration office before the voiding of the memorandum of understanding under this section.

(d) The state shall not join or otherwise participate in the activities of any organization that requires:

(1) the payment of funds to obtain voter registration information from another state; or

(2) the expenditure of funds to engage in activities other than voter list maintenance as a condition for receiving voter registration information from another state.

SECTION 8. IC 3-7-38.2-5.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 5.5. (a) The Indiana data enhancement association (IDEA) is established. IDEA shall be administered by the NVRA official in accordance with IC 3-7-11-1.**

(b) Not later than July 1, 2020, the NVRA official shall adopt an order for the administration of voter list maintenance programs to be performed by IDEA. The NVRA official may amend the order. If the NVRA official does not adopt an order by July 1, 2020, or subsequently amend the order when necessary to perform voter list maintenance duties under this chapter, the secretary of state shall adopt or amend the order under section 18 of this chapter. The order establishing IDEA, and any amendments to the order subsequently issued, shall provide the following:

(1) The member states of IDEA are not required to pay to Indiana any fee for the processing of the data from the member state.

(2) The member states of IDEA are not required to engage in any activity other than actions necessary to comply with standards for voter list maintenance set forth in the order as a condition for obtaining data from Indiana or other member states.

(3) The method for a state to join or withdraw from IDEA.

(4) The tenure of the membership of each state and duration of the order.

(5) Indiana shall:

(A) use the confidence factors set forth in subsection (c) to determine whether the name of an individual registered in that member state appears to be the same as an individual registered to vote in Indiana or any other member state; and

(B) only forward potential matches of the names of individuals in a state who meet or exceed the confidence factor threshold under subsection (c).

(6) Any registration data provided to Indiana by another state member:

(A) is confidential under Indiana law;

(B) must be safely secured by Indiana for the duration of a particular instance of a voter list maintenance activity; and

(C) shall be destroyed immediately following the provision of data concerning potential duplicate voter registrations to IDEA member states.

(7) Any other provisions necessary for the proper and effective administration of IDEA.

(c) Not later than thirty (30) days following the receipt of information under subsection (b) indicating that a voter of Indiana may also be registered to vote in another state, the NVRA official shall provide the appropriate county voter registration office with the name of and any other information obtained under this subsection concerning that voter, if both of the following apply:

(1) The first name, last name, and date of birth of the Indiana voter is identical to the first name, last name, and date of birth of the voter registered in the other state.

(2) A comparison of the records indicates that there is a confidence factor that the records are for the same individual resulting from the accumulation of at least seventy-five (75) points based on the following criteria:

(A) Full Social Security number: 40 points.

(B) Last four (4) digits of Social Security number: 10 points.

(C) Indiana driver's license or identification card number: 50 points.

(D) Date of birth: 25 points.

(E) Last Name: 15 points.

(F) First Name: 15 points.

(G) Middle Name: 5 points.

(H) Suffix: 5 points.

(I) Street Address 1: 10 points.

(J) Zip Code (first five (5) digits): 5 points.

(d) The county voter registration office shall determine whether the individual:

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

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

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

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

(f) The county voter registration office may rely on written information provided either directly by a voter registration office in another state or forwarded from the election division from the office in the other state as follows:

(1) If this information is provided directly from the other state to the Indiana county voter registration official, the out-of-state voter registration official must provide a copy of the voter's signed voter registration application which indicates the individual authorizes cancellation of the individual's previous registration.

(2) If the election division forwards written notice from another state to an Indiana county voter registration official, the county should consider this notice as confirmation that the individual is registered in another jurisdiction and has requested cancellation of the Indiana registration. A copy of the actual voter signature is not required to be provided to the county for the voter's status to be canceled if the written notice is forwarded by the election division.

County voter registration officials shall review the date the individual registered out of state and the date the individual

registered in Indiana to confirm which registration is more recent when performing the officials' analysis under this subsection.

SECTION 9. IC 3-7-38.2-7.5, AS ADDED BY P.L.258-2013, SECTION 62, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7.5. The NVRA official shall do both of the following:

(1) Compare the lists of voters ~~described in section 5(c) of this chapter~~ **provided by another state** with the list of registered voters in Indiana to identify any individuals who may be registered to vote in more than one (1) state.

(2) Provide each county voter registration office with a list of potential duplicate registrations not later than thirty (30) days after receipt of a list of voters of a state.

SECTION 10. IC 3-7-46-6, AS AMENDED BY P.L.74-2017, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) **At least once a quarter, and** not later than:

(1) January 31;

(2) April 30;

(3) July 31; and

(4) October 31;

of each year, a county sheriff shall provide the county voter registration office with a report containing the information set forth in subsection (b) for processing under section 8 of this chapter.

(b) The report required by subsection (a) must identify each person who:

(1) is a resident of Indiana;

(2) has been convicted of a crime; and

(3) has been placed in a county correctional facility after the last date the sheriff prepared a report required by subsection (a).

(c) The report must be in the form prescribed by the election division under IC 3-5-4-8 and state:

(1) whether the person remains in lawful custody in a county correctional facility as of the date of the report; and

(2) if the person remains in lawful custody, the date that the person is scheduled to be released from the county correctional facility.

SECTION 11. IC 3-11-2-10, AS AMENDED BY P.L.278-2019, SECTION 56, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 10. (a) Public questions shall be placed on the general election ballot in the following order after the statement described in section 7 of this chapter, and the instructions described in subsections (d) and (e) and section 8 of this chapter, if instructions are printed on the ballot:

(1) Ratification of a state constitutional amendment.

(2) Local public questions.

Subject to section 10.1 of this chapter, each public question shall be placed in a separate column on the ballot.

(b) The name or title of the political party or independent ticket described in section 6 of this chapter shall be placed on the general election ballot after the public questions described in subsection (a). The device of the political party or independent ticket shall be placed immediately under the name of the political party or independent ticket. **Notwithstanding section 8(b) of this chapter,** the instructions for voting a straight party ticket shall be placed to the right of the device ~~if instructions are printed~~ on the ballot.

(c) The instructions for voting a straight party ticket must conform as nearly as possible to the following:

"**(1) You are not required to vote a straight party ticket. If you do not wish to vote a straight party ticket, do not make a mark in this section, and proceed to voting the ballot by office.**

~~(1)~~ **(2)** To vote a straight (insert political party name) ticket for all (insert political party name) candidates on this ballot, except for candidates described in (2) below, make a voting mark on or in this circle and do not make any other marks on this ballot.

~~(2)~~ **(3)** To vote for any candidate for an at-large office (insert county council, city common council, town council, or township board if those offices appear on this ballot) to which more than one **(1)** person may be elected, you must make another voting mark for each candidate you wish to vote for. Your straight party vote will not count as a vote for any candidate for that office.

~~(3)~~ **(4)** If you wish to vote for a candidate seeking a nonpartisan office or on a public question, you must make another voting mark on the appropriate place on this ballot.".

(d) Except as permitted under section 8(b) of this chapter, if the ballot contains an independent ticket described in section 6 of this chapter and at least one (1) other independent candidate, the ballot must also contain a statement that reads substantially as follows: "A vote cast for an independent ticket will only be counted for the candidates for President and Vice President or governor and lieutenant governor comprising that independent ticket. This vote will NOT be counted for any OTHER independent candidate appearing on the ballot.".

(e) Except as permitted under section 8(b) of this chapter, the ballot must also contain a statement that reads substantially as follows: "A write-in vote will NOT be counted unless the vote is for a DECLARED write-in candidate. To vote for a write-in candidate, you must make a voting mark on or in the square to the left of the name you have written in or your vote will not be counted.".

(f) Subject to section 10.1 of this chapter, the list of candidates of the political party shall be placed immediately under the instructions for voting a straight party ticket. The names of the candidates shall be placed three-fourths (3/4) of an inch apart from center to center of the name. The name of each candidate must have, immediately on its left, a square three-eighths (3/8) of an inch on each side.

(g) The circuit court clerk may authorize the printing of ballots containing a ballot variation code to ensure that the proper version of a ballot is used within a precinct.

SECTION 12. IC 3-11-13-11, AS AMENDED BY P.L.278-2019, SECTION 104, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. (a) The ballot information, whether placed on the ballot card or on the marking device, must be in the order of arrangement provided for ballots under this section.

(b) Each county election board shall have the names of all candidates for all elected offices, political party offices, and public questions printed on a ballot card as provided in this chapter. The county may:

(1) print all offices and questions on a single ballot card; and

(2) include a ballot variation code to ensure that the proper version of a ballot is used within a precinct.

(c) Each type of ballot card must be of uniform size and of the same quality and color of paper (except as permitted under IC 3-10-1-17).

(d) The nominees of a political party or an independent candidate or independent ticket (described in IC 3-11-2-6) nominated by petitioners shall be listed on the ballot with the name and device set forth on the certification or petition. The circle containing the device may be of any size that permits a voter to readily identify the device. IC 3-11-2-5 applies if the certification or petition does not include a name or device, or if the same device is selected by two (2) or more parties or petitioners.

(e) The offices and public questions on the general election ballot must be placed on the ballot in the order listed in IC 3-11-2-12, ~~IC 3-11-2-12.2,~~ IC 3-11-2-12.4, IC 3-11-2-12.5, IC 3-11-2-12.7(b), IC 3-11-2-12.9(a), IC 3-11-2-13(a) through IC 3-11-2-13(c), IC 3-11-2-14(a), and IC 3-11-2-14(d). The offices and public questions may be listed in a continuous column either vertically or horizontally and on a number of separate pages.

(f) The name of each office must be printed in a uniform size in bold type. A statement reading substantially as follows must be placed immediately below the name of the office and above the name of the first candidate:

(1) "Vote for one (1) only.", if only one (1) candidate is to be elected to the office.

(2) "Vote for not more than (insert the number of candidates to be elected) candidate(s) for this office. To vote for any candidate for this office, you must make a voting mark for each candidate you wish to vote for. A straight party vote will not count as a vote for any candidate for this office.", if more than one (1) candidate is to be elected to the office.

(g) Below the name of the office and the statement required by subsection (f), the names of the candidates for each office must be grouped together in the following order:

(1) The major political party whose candidate received the highest number of votes in the county for secretary of state at the last election is listed first.

(2) The major political party whose candidate received the second highest number of votes in the county for secretary of state is listed second.

(3) All other political parties listed in the order that the parties' candidates for secretary of state finished in the last election are listed after the party listed in subdivision (2).

(4) If a political party did not have a candidate for secretary of state in the last election or a nominee is an independent candidate or independent ticket (described in IC 3-11-2-6), the party or candidate is listed after the parties described in subdivisions (1), (2), and (3).

(5) If more than one (1) political party or independent candidate or ticket described in subdivision (4) qualifies to be on the ballot, the parties, candidates, or tickets are listed in the order in which the party filed its petition of nomination under IC 3-8-6-12.

(6) A space for write-in voting is placed after the candidates listed in subdivisions (1) through (5), if required by law.

(7) The name of a write-in candidate may not be listed on the ballot.

(h) The names of the candidates grouped in the order established by subsection (g) must be printed in type with uniform capital letters and have a uniform space between each name. The name of the candidate's political party, or the word "Independent" if the:

(1) candidate; or

(2) ticket of candidates for:

(A) President and Vice President of the United States; or

(B) governor and lieutenant governor;

is independent, must be placed immediately below or beside the name of the candidate and must be printed in a uniform size and type.

(i) All the candidates of the same political party for election to at-large seats on the fiscal or legislative body of a political subdivision must be grouped together:

(1) under the name of the office that the candidates are seeking;

(2) in the order established by subsection (g); and

(3) within the political party, in alphabetical order according to surname.

A statement reading substantially as follows must be placed immediately below the name of the office and above the name of the first candidate: "Vote for not more than (insert the number of candidates to be elected) candidate(s) of ANY party for this office.".

(j) Candidates for election to at-large seats on the governing body of a school corporation must be grouped:

(1) under the name of the office that the candidates are seeking; and

(2) in alphabetical order according to surname.

A statement reading substantially as follows must be placed immediately below the name of the office and above the name of the first candidate: "Vote for not more than (insert the number of candidates to be elected) candidate(s) for this office.".

(k) The following information must be placed at the top of the ballot before the first public question is listed:

(1) The cautionary statement described in IC 3-11-2-7.

(2) The instructions described in IC 3-11-2-8, IC 3-11-2-10(d), and IC 3-11-2-10(e).

(l) The ballot must include a single connectable arrow, circle, oval, or square, or a voting position for voting a straight party or an independent ticket (described in IC 3-11-2-6) by one (1) mark as required by section 14 of this chapter, and the single connectable arrow, circle, oval, or square, or the voting position for casting a straight party or an independent ticket ballot must be identified by:

(1) the name of the political party or independent ticket (described in IC 3-11-2-6); and

(2) immediately below or beside the political party's or independent ticket's name, the device of that party or ticket (described in IC 3-11-2-5).

The name and device of each political party or independent ticket must be of uniform size and type and arranged in the order established by subsection (g) for listing candidates under each office. The instructions described in IC 3-11-2-10(c) for voting a straight party ticket and the statement concerning presidential electors required under IC 3-10-4-3 ~~may~~ **must** be placed on the ballot label. ~~or in a location within the voting booth in a location that permits the voter to easily read the instructions.~~ **The instructions for voting a straight party ticket must include the statement: "If you do not wish to vote a straight party ticket, do not make a mark in this section and proceed to voting the ballot by office.".**

(m) A public question must be in the form described in IC 3-11-2-15(a) and IC 3-11-2-15(b), except that a single connectable arrow, a circle, or an oval may be used instead of a square. Except as expressly authorized or required by statute, a county election board may not print a ballot card that contains language concerning the public question other than the language authorized by a statute.

(n) The requirements in this section:

(1) do not replace; and

(2) are in addition to;

any other requirements in this title that apply to optical scan ballots.

(o) The procedure described in IC 3-11-2-16 must be used when a ballot does not comply with the requirements imposed by this title or contains another error or omission that might result in confusion or mistakes by voters.

(p) This subsection applies to an optical scan ballot that does not list:

(1) the names of political parties or candidates; or

(2) the text of public questions;

on the face of the ballot. The ballot must be prepared in accordance with this section, except that the ballot must include a numbered circle or oval to refer to each political party, candidate, or public question.

SECTION 13. IC 3-11-14-3.5, AS AMENDED BY P.L.21-2016, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 3.5. (a) Each county election board shall have the names of all candidates for all elected offices, political party offices, and public questions printed on ballot labels for use in an electronic voting system as provided in this chapter.

(b) The county may:

(1) print all offices and public questions on a single ballot label; and

(2) include a ballot variation code to ensure that the proper version of a ballot label is used within a precinct.

(c) Each type of ballot label must be of uniform size and of the same quality and color of paper (except as permitted under IC 3-10-1-17).

(d) The nominees of a political party or an independent candidate or independent ticket (described in IC 3-11-2-6) nominated by petitioners must be listed on the ballot label with the name and device set forth on

the certification or petition. The circle containing the device may be of any size that permits a voter to readily identify the device. IC 3-11-2-5 applies if the certification or petition does not include a name or device, or if the same device is selected by two (2) or more parties or petitioners.

(e) The ballot labels must list the offices and public questions on the general election ballot in the order listed in IC 3-11-2-12, ~~IC 3-11-2-12.2,~~ IC 3-11-2-12.4, IC 3-11-2-12.5, IC 3-11-2-12.7(b), IC 3-11-2-12.9(a), IC 3-11-2-13(a) through IC 3-11-2-13(c), IC 3-11-2-14(a), and IC 3-11-2-14(d). Each office and public question may have a separate screen, or the offices and public questions may be listed in a continuous column either vertically or horizontally.

(f) The name of each office must be printed in a uniform size in bold type. A statement reading substantially as follows must be placed immediately below the name of the office and above the name of the first candidate:

(1) "Vote for one (1) only.", if only one (1) candidate is to be elected to the office.

(2) "Vote for not more than (insert the number of candidates to be elected) candidate(s) for this office. To vote for any candidate for this office, you must make a voting mark for each candidate you wish to vote for. A straight party vote will not count as a vote for any candidate for this office.", if more than one (1) candidate is to be elected to the office.

(g) Below the name of the office and the statement required by subsection (f), the names of the candidates for each office must be grouped together in the following order:

(1) The major political party whose candidate received the highest number of votes in the county for secretary of state at the last election is listed first.

(2) The major political party whose candidate received the second highest number of votes in the county for secretary of state is listed second.

(3) All other political parties listed in the order that the parties' candidates for secretary of state finished in the last election are listed after the party listed in subdivision (2).

(4) If a political party did not have a candidate for secretary of state in the last election or a nominee is an independent candidate or independent ticket (described in IC 3-11-2-6), the party or candidate is listed after the parties described in subdivisions (1), (2), and (3).

(5) If more than one (1) political party or independent candidate or ticket described in subdivision (4) qualifies to be on the ballot, the parties, candidates, or tickets are listed in the order in which the party filed its petition of nomination under IC 3-8-6-12.

(6) A space for write-in voting is placed after the candidates listed in subdivisions (1) through (5), if required by law. A space for write-in voting for an office is not required if there are no declared write-in candidates for that office. However, procedures must be implemented to permit write-in voting for candidates for federal offices.

(7) The name of a write-in candidate may not be listed on the ballot.

(h) The names of the candidates grouped in the order established by subsection (g) must be printed in type with uniform capital letters and have a uniform space between each name. The name of the candidate's political party, or the word "Independent", if the:

(1) candidate; or

(2) ticket of candidates for:

(A) President and Vice President of the United States; or

(B) governor and lieutenant governor;

is independent, must be placed immediately below or beside the name of the candidate and must be printed in uniform size and type.

(i) All the candidates of the same political party for election to at-large seats on the fiscal or legislative body of a political subdivision must be grouped together:

(1) under the name of the office that the candidates are seeking;

(2) in the party order established by subsection (g); and

(3) within the political party, in alphabetical order according to surname.

A statement reading substantially as follows must be placed immediately below the name of the office and above the name of the

first candidate: "Vote for not more than (insert the number of candidates to be elected) candidate(s) of ANY party for this office.".

(j) Candidates for election to at-large seats on the governing body of a school corporation must be grouped:

(1) under the name of the office that the candidates are seeking; and

(2) in alphabetical order according to surname.

A statement reading substantially as follows must be placed immediately below the name of the office and above the name of the first candidate: "Vote for not more than (insert the number of candidates to be elected) candidate(s) for this office.".

(k) The cautionary statement described in IC 3-11-2-7 must be placed at the top or beginning of the ballot label before the first public question is listed.

(l) The instructions described in IC 3-11-2-8, IC 3-11-2-10(d), and IC 3-11-2-10(e) may be:

(1) placed on the ballot label; or

(2) posted in a location within the voting booth that permits the voter to easily read the instructions.

(m) The ballot label must include a touch sensitive point or button for voting a straight political party or independent ticket (described in IC 3-11-2-6) by one (1) touch, and the touch sensitive point or button must be identified by:

(1) the name of the political party or independent ticket; and

(2) immediately below or beside the political party's or independent ticket's name, the device of that party or ticket (described in IC 3-11-2-5).

The name and device of each party or ticket must be of uniform size and type, and arranged in the order established by subsection (g) for listing candidates under each office. The instructions described in IC 3-11-2-10(c) for voting a straight party ticket and the statement concerning presidential electors required under IC 3-10-4-3 ~~may~~ **must** be placed on the ballot label. ~~or in a location within the voting booth that permits the voter to easily read the instructions.~~ **The instructions for voting a straight party ticket must include the statement: "If you do not wish to vote a straight party ticket, press "NEXT" (or**

replace "NEXT" with the term used by that voting system to permit a voter to skip a ballot screen) to continue voting.".

(n) A public question must be in the form described in IC 3-11-2-15(a) and IC 3-11-2-15(b), except that a touch sensitive point or button must be used instead of a square. Except as expressly authorized or required by statute, a county election board may not print a ballot label that contains language concerning the public question other than the language authorized by a statute.

(o) The requirements in this section:

(1) do not replace; and

(2) are in addition to;

any other requirements in this title that apply to ballots for electronic voting systems.

(p) The procedure described in IC 3-11-2-16 must be used when a ballot label does not comply with the requirements imposed by this title or contains another error or omission that might result in confusion or mistakes by voters.

SECTION 14. IC 3-11.7-5-1.7, AS ADDED BY P.L.278-2019, SECTION 133, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1.7. (a) This section ~~applies~~ **does not apply** to a provisional ballot cast by a voter for any of the following reasons:

(1) The provisional ballot was cast by the voter under a court order extending the hours that the polls were open.

(2) The provisional ballot was cast by a voter who is not on the poll list who indicates that the voter applied to register at a voter registration agency.

(3) The provisional ballot was cast by the voter after the voter was challenged solely due to the voter being unable or declining to provide proof of identification.

(4) The provisional ballot was cast by the voter after the voter was challenged solely due to the voter's failure to provide additional documentation.

(b) If the only evidence before the county election board on the question of counting of the provisional ballot cast by the voter is:

(1) the affidavit of the voter who cast the provisional ballot; and

(2) the affidavit of a challenger challenging the voter who cast the provisional ballot;

the provisional ballot shall be counted.

SECTION 15. IC 3-11.7-7-3, AS ADDED BY P.L.278-2019, SECTION 136, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) Before issuing an order under this chapter, the court or entity must take evidence and make the following findings:

(1) The polls were substantially delayed in opening at the time fixed by IC 3-11-8-8.

(2) The specific precincts or vote centers in which substantial delays occurred.

(3) If a poll closed at any time during the hours specified by IC 3-11-8-8, how long the polls were closed and in which precincts and vote centers the closing occurred.

(4) Substantial evidence exists that voters were prevented from casting a ballot due to a delay or closure of the polls during the hours specified by IC 3-11-8-8.

(5) The actual harm determined can only be ameliorated by the extension of polling hours.

(6) The county election board filed written notice with the secretary of state and the election division indicating that the county election board:

(A) filed the action or petition with the court to extend hours; and

(B) received confirmation from the court of the receipt of the filings.

(b) If the court is unable to make the applicable findings regarding a delay in opening or a subsequent closure of the polls described in subsection (a), the court shall not issue an order extending the polling hours specified under IC 3-11-8-8.

SECTION 16. **An emergency is declared for this act.**

P.L.142-2020
[S.335. Approved March 21, 2020.]

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

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

SECTION 1. IC 1-1-2-2.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 2.5. (a) This section applies to every crime in which proof that a person has a prior conviction or judgment for an infraction increases:**

(1) the class or level of the crime;

(2) the penalty for the crime from a misdemeanor to a felony; or

(3) the penalty for an infraction to a misdemeanor or felony.

(b) This section does not apply to a sentencing provision that increases the penalty that may be imposed for an infraction or crime but does not increase:

(1) the class or level of the crime;

(2) the penalty for the crime from a misdemeanor to a felony; or

(3) the penalty for an infraction to a misdemeanor or felony; including IC 35-50-2-8 (habitual offenders), IC 35-50-2-9 (death penalty sentencing), IC 9-30-15.5 (habitual vehicular substance offender), and IC 35-50-2-14 (repeat sexual offender).

(c) This section does not apply to a crime that contains a specific lookback period for a prior conviction or judgment for an infraction.

(d) Subject to subsection (e), and except as provided in subsection (f), a prior conviction or a prior judgment for an infraction increases the class or level of the crime, the penalty for

the crime from a misdemeanor to a felony, or the penalty for an infraction to a misdemeanor or felony only if the current crime was committed not later than twelve (12) years from the date the defendant was:

(1) convicted of the prior crime, if the defendant was not sentenced to a term of incarceration or probation;

(2) adjudicated to have committed the infraction; or

(3) released from a term of incarceration, probation, or parole (whichever occurs later) imposed for the prior conviction;

whichever occurred last.

(e) If a crime described in subsection (a) requires proof of more than one (1) criminal conviction or judgment for an infraction, the increased penalty applies only if the current crime was committed not later than twelve (12) years from the date the defendant was:

(1) convicted of one (1) of the prior crimes, if the person was not sentenced to a term of incarceration or probation;

(2) adjudicated to have committed one (1) of the infractions; or

(3) released from a term of incarceration, probation, or parole (whichever occurs later) imposed for one (1) of the prior convictions;

whichever occurred last.

(f) This section does not apply if the crime described in subsection (a) is one (1) or more of the following:

(1) A crime of violence (as defined by IC 35-50-1-2).

(2) A crime that results in bodily injury or death to a victim.

(3) A sex offense (as defined by IC 11-8-8-5.2).

(4) Domestic battery (IC 35-42-2-1.3).

(5) Strangulation (IC 35-42-2-9).

(6) Operating while intoxicated with a prior conviction for operating while intoxicated that resulted in death, serious bodily injury, or catastrophic injury (IC 9-30-5-3(b)).

(7) Dealing in cocaine or a narcotic drug (IC 35-48-4-1).

(8) Dealing in methamphetamine (IC 35-48-4-1.1).

(9) Manufacturing methamphetamine (IC 35-48-4-1.2).

(10) Dealing in a schedule I, II, or III controlled substance (IC 35-48-4-2).

(g) If there is a conflict between a provision in this section and another provision of the Indiana Code, this section controls.

SECTION 2. IC 1-1-2-4 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 4. (a) As used in this section, "reference to a conviction for an Indiana criminal offense" means both a specific reference to a conviction for a criminal offense in Indiana (with or without an Indiana Code citation reference) and a general reference to a conviction for a class or type of criminal offense, such as:**

(1) a felony;

(2) a misdemeanor;

(3) a sex offense;

(4) a violent crime;

(5) a crime of domestic violence;

(6) a crime of dishonesty;

(7) fraud;

(8) a crime resulting in a specified injury or committed against a specified victim; or

(9) a crime under IC 35-42 or IC 9-30-5 or under any other statute describing one (1) or more criminal offenses.

(b) Except as provided in subsection (c), a reference to a conviction for an Indiana criminal offense appearing within the Indiana Code also includes a conviction for any of the following:

(1) An attempt to commit the offense, unless the offense is murder (IC 35-42-1-1).

(2) A conspiracy to commit the offense.

(3) A substantially similar offense committed in another jurisdiction, including an attempt or conspiracy to commit the offense, even if the reference to the conviction for the Indiana criminal offense specifically refers to an "Indiana conviction" or a conviction "in Indiana" or under "Indiana law" or "laws of this state".

(c) A reference to a conviction for an Indiana criminal offense appearing within the Indiana Code does not include an offense described in subsection (b)(1) through (b)(3) if:

(1) the reference expressly excludes an offense described in subsection (b)(1) through (b)(3); or

(2) with respect to an offense described in subsection (b)(3), the reference imposes an additional qualifier on the offense committed in another jurisdiction.

(d) If there is a conflict between a provision in this section and another provision of the Indiana Code, this section controls.

SECTION 3. IC 3-8-1-5, AS AMENDED BY P.L.74-2017, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 5. (a) This section does not apply to a candidate for federal office.

(b) As used in this section, "felony" means a conviction ~~in any jurisdiction~~ for which the convicted person might have been imprisoned for more than one (1) year.

(c) A person is not disqualified under this section for:

(1) a felony conviction for which the person has been pardoned;

(2) a felony conviction that has been:

(A) reversed;

(B) vacated;

(C) set aside;

(D) not entered because the trial court did not accept the person's guilty plea; or

(E) expunged under IC 35-38-9; or

(3) a person's plea of guilty or nolo contendere at a guilty plea hearing that is not accepted and entered by a trial court.

(d) A person is disqualified from assuming or being a candidate for an elected office if:

(1) the person gave or offered a bribe, threat, or reward to procure the person's election, as provided in Article 2, Section 6 of the Constitution of the State of Indiana;

(2) the person does not comply with IC 5-8-3 because of a conviction for a violation of the federal laws listed in that statute;

(3) in a:

(A) jury trial, a jury publicly announces a verdict against the person for a felony;

(B) bench trial, the court publicly announces a verdict against the person for a felony; or

(C) guilty plea hearing, the person pleads guilty or nolo contendere to a felony;

(4) the person has been removed from the office the candidate seeks under Article 7, Section 11 or Article 7, Section 13 of the Constitution of the State of Indiana;

(5) the person is a member of the United States armed forces on active duty and prohibited by the United States Department of Defense from being a candidate; or

(6) the person is subject to:

(A) 5 U.S.C. 1502 (the Little Hatch Act); or

(B) 5 U.S.C. 7321-7326 (the Hatch Act);

and would violate either federal statute by becoming or remaining the candidate of a political party for nomination or election to an elected office or a political party office.

(e) The subsequent reduction of a felony to a Class A misdemeanor under IC 35 after the:

(1) jury has announced its verdict against the person for a felony;

(2) court has announced its verdict against the person for a felony; or

(3) person has pleaded guilty or nolo contendere to a felony;

does not affect the operation of subsection (d).

SECTION 4. IC 4-33-8-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: 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)~~ **(3)** 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; **or**

(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.

SECTION 5. IC 4-35-6.5-11, AS ADDED BY P.L.233-2007, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: 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)~~ **(3)** 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; **or**

(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.

SECTION 6. IC 7.1-1-3-13.5, AS AMENDED BY P.L.196-2015, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 13.5. "Conviction for operating while intoxicated" means a conviction (as defined in IC 9-13-2-38)

~~(1) in Indiana~~ for a crime under IC 9-30-5-1 through IC 9-30-5-9, IC 35-46-9-6, or IC 14-15-8 (before its repeal). ~~or~~

~~(2) 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 9-30-5-1 through IC 9-30-5-9, IC 35-46-9-6, or IC 14-15-8-8 (before its repeal).~~

SECTION 7. IC 9-13-2-130 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 130. "Previous conviction of operating while intoxicated" means a previous conviction **for:**

~~(1) in Indiana of:~~

~~(A)~~ **(1)** an alcohol related or drug related crime under Acts 1939, c.48, s.52, as amended, IC 9-4-1-54 (repealed September 1, 1983), or IC 9-11-2 (repealed July 1, 1991); or

~~(B)~~ **(2)** a crime under IC 9-30-5-1 through IC 9-30-5-9. ~~or~~

~~(2) 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 9-30-5-1 through IC 9-30-5-9.~~

SECTION 8. IC 9-30-5-1, AS AMENDED BY P.L.63-2018, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1. (a) A person who operates a vehicle with an alcohol concentration equivalent to at least eight-hundredths (0.08) gram of alcohol but less than fifteen-hundredths (0.15) gram of alcohol per:

(1) one hundred (100) milliliters of the person's blood; or

(2) two hundred ten (210) liters of the person's breath;

commits a Class C misdemeanor.

(b) A person who operates a vehicle with an alcohol concentration equivalent to at least fifteen-hundredths (0.15) gram of alcohol per:

(1) one hundred (100) milliliters of the person's blood; or

(2) two hundred ten (210) liters of the person's breath;

commits a Class A misdemeanor.

(c) A person who operates a vehicle with a controlled substance listed in schedule I or II of IC 35-48-2 or its metabolite in the person's ~~body~~ **blood** commits a Class C misdemeanor.

(d) It is a defense to subsection (c) that the accused person consumed the controlled substance in accordance with a valid prescription or order of a practitioner (as defined in IC 35-48-1) who acted in the course of the practitioner's professional practice.

SECTION 9. IC 9-30-5-3, AS AMENDED BY P.L.184-2019, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 3. (a) Except as provided in subsection (b), a person who violates section 1 or 2 of this chapter commits a Level 6 felony if:

(1) the person has a previous conviction of operating while intoxicated that occurred within the seven (7) years immediately preceding the occurrence of the violation of section 1 or 2 of this chapter; or

(2) the person:

(A) is at least twenty-one (21) years of age;

(B) violates section 1(b), **1(c),** or 2(b) of this chapter; and

(C) operated a vehicle in which at least one (1) passenger was less than eighteen (18) years of age.

(b) A person who violates section 1 or 2 of this chapter or subsection (a)(2) commits a Level 5 felony if:

(1) the person has a previous conviction of operating while intoxicated causing death or catastrophic injury (IC 9-30-5-5); or

(2) the person has a previous conviction of operating while intoxicated causing serious bodily injury (IC 9-30-5-4).

SECTION 10. IC 10-13-3-27, AS AMENDED BY P.L.32-2019, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 27. (a) Except as provided in subsection (b), on request, a law enforcement agency shall release a limited criminal history to or allow inspection of a limited criminal history by noncriminal justice organizations or individuals only if the subject of the request:

(1) has applied for employment with a noncriminal justice organization or individual;

(2) has:

(A) applied for a license or is maintaining a license; and

(B) provided criminal history data as required by law to be provided in connection with the license;

(3) is a candidate for public office or a public official;

(4) is in the process of being apprehended by a law enforcement agency;

(5) is placed under arrest for the alleged commission of a crime;

(6) has charged that the subject's rights have been abused repeatedly by criminal justice agencies;

(7) is the subject of a judicial decision or determination with respect to the setting of bond, plea bargaining, sentencing, or probation;

(8) has volunteered services that involve contact with, care of, or supervision over a child who is being placed, matched, or monitored by a social services agency or a nonprofit corporation;

(9) is currently residing in a location designated by the department of child services (established by IC 31-25-1-1) or by a juvenile court as the out-of-home placement for a child at the time the child will reside in the location;

(10) has volunteered services at a public school (as defined in IC 20-18-2-15) or nonpublic school (as defined in IC 20-18-2-12) that involve contact with, care of, or supervision over a student enrolled in the school;

(11) is being investigated for welfare fraud by an investigator of the division of family resources or a county office of the division of family resources;

(12) is being sought by the parent locator service of the child support bureau of the department of child services;

(13) is or was required to register as a sex or violent offender under IC 11-8-8;

(14) has been convicted of any of the following:

(A) Rape (IC 35-42-4-1), if the victim is less than eighteen (18) years of age.

(B) Criminal deviate conduct (IC 35-42-4-2) (repealed), if the victim is less than eighteen (18) years of age.

(C) Child molesting (IC 35-42-4-3).

(D) Child exploitation (IC 35-42-4-4(b) or IC 35-42-4-4(c)).

(E) Possession of child pornography (IC 35-42-4-4(d) or IC 35-42-4-4(e)).

(F) Vicarious sexual gratification (IC 35-42-4-5).

(G) Child solicitation (IC 35-42-4-6).

(H) Child seduction (IC 35-42-4-7).

(I) Sexual misconduct with a minor as a felony (IC 35-42-4-9).

(J) Incest (IC 35-46-1-3), if the victim is less than eighteen (18) years of age;

~~(K) Attempt under IC 35-41-5-1 to commit an offense listed in clauses (A) through (J).~~

~~(L) Conspiracy under IC 35-41-5-2 to commit an offense listed in clauses (A) through (J).~~

~~(M) An offense in any other jurisdiction in which the elements of the offense for which the conviction was entered are~~

~~substantially similar to the elements of an offense described under clauses (A) through (J);~~

(15) is identified as a possible perpetrator of child abuse or neglect in an assessment conducted by the department of child services under IC 31-33-8; or

(16) is:

(A) a parent, guardian, or custodian of a child; or

(B) an individual who is at least eighteen (18) years of age and resides in the home of the parent, guardian, or custodian;

with whom the department of child services or a county probation department has a case plan, dispositional decree, or permanency plan approved under IC 31-34 or IC 31-37 that provides for reunification following an out-of-home placement.

However, limited criminal history information obtained from the National Crime Information Center may not be released under this section except to the extent permitted by the Attorney General of the United States.

(b) A law enforcement agency shall allow inspection of a limited criminal history by and release a limited criminal history to the following noncriminal justice organizations:

(1) Federally chartered or insured banking institutions.

(2) Officials of state and local government for any of the following purposes:

(A) Employment with a state or local governmental entity.

(B) Licensing.

(3) Segments of the securities industry identified under 15 U.S.C. 78q(f)(2).

(c) Any person who knowingly or intentionally uses limited criminal history for any purpose not specified under this section commits a Class C infraction. However, the violation is a Class A misdemeanor if the person has a prior unrelated adjudication or conviction for a violation of this section within the previous five (5) years.

SECTION 11. IC 10-13-6-10, AS AMENDED BY P.L.111-2017, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 10. (a) This section applies to the following:

(1) A person arrested for a felony after December 31, 2017.

(2) A person convicted of a felony under IC 35-42 (offenses against the person) or IC 35-43-2-1 (burglary):

(A) after June 30, 1996, whether or not the person is sentenced to a term of imprisonment; or

(B) before July 1, 1996, if the person is held in jail or prison on or after July 1, 1996.

(3) A person convicted of a criminal law in effect before October 1, 1977, that penalized an act substantially similar to a felony described in IC 35-42 or IC 35-43-2-1 or that would have been an included offense of a felony described in IC 35-42 or IC 35-43-2-1 if the felony had been in effect:

(A) after June 30, 1998, whether or not the person is sentenced to a term of imprisonment; or

(B) before July 1, 1998, if the person is held in jail or prison on or after July 1, 1998.

(4) A person convicted of a felony: ~~conspiracy to commit a felony, or attempt to commit a felony:~~

(A) after June 30, 2005, whether or not the person is sentenced to a term of imprisonment; or

(B) before July 1, 2005, if the person is held in jail or prison on or after July 1, 2005.

(b) A person described in subsection (a) shall provide a DNA sample to the:

(1) department of correction or the designee of the department of correction if the offender is committed to the department of correction;

(2) county sheriff or the designee of the county sheriff if the offender is held in a county jail or other county penal facility, placed in a community corrections program (as defined in IC 35-38-2.6-2), placed on probation, or released on bond;

(3) agency that supervises the person, or the agency's designee, if the person is on conditional release in accordance with IC 35-38-1-27; or

(4) sheriff, in the case of a person arrested for a felony.

A DNA sample provided under subdivision (4) may be obtained only by buccal swab. A person is not required to submit a blood sample if

doing so would present a substantial and an unreasonable risk to the person's health.

(c) The detention, arrest, or conviction of a person based on a data base match or data base information is not invalidated if a court determines that the DNA sample was obtained or placed in the Indiana DNA data base by mistake.

(d) The officer, employee, or designee who obtains a DNA sample from a person under this section shall:

(1) inform the person of the person's right to DNA removal under section 18 of this chapter; and

(2) provide the person with instructions and a form that may be used for DNA removal.

(e) This subsection applies only to a DNA sample provided by a person arrested for a felony. A person described in subsection (b)(1), (b)(2), (b)(3), or (b)(4) may not ship a DNA sample collected from a felony arrestee for DNA identification testing unless:

(1) the arrestee was arrested pursuant to a felony arrest warrant; or

(2) a court has found probable cause for the felony arrest.

SECTION 12. IC 11-8-8-4.5, AS AMENDED BY P.L.144-2018, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 4.5. (a) Except as provided in section 22 of this chapter, as used in this chapter, "sex offender" means a person convicted of any of the following offenses:

(1) Rape (IC 35-42-4-1).

(2) Criminal deviate conduct (IC 35-42-4-2) (before its repeal).

(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 (including performing sexual conduct in the presence of a minor) (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, Class B, or Class C felony (for a crime committed before July 1, 2014) or a Level 1, Level 2, Level 4, or Level 5 felony (for a crime committed after June 30, 2014), unless:

(A) the person is convicted of sexual misconduct with a minor as a Class C felony (for a crime committed before July 1, 2014) or a Level 5 felony (for a crime committed after June 30, 2014);

(B) the person is not more than:

(i) four (4) years older than the victim if the offense was committed after June 30, 2007; or

(ii) five (5) years older than the victim if the offense was committed before July 1, 2007; and

(C) the sentencing court finds that the person should not be required to register as a sex offender.

(9) Incest (IC 35-46-1-3).

(10) Sexual battery (IC 35-42-4-8).

(11) Kidnapping (IC 35-42-3-2), if the victim is less than eighteen (18) years of age, and the person who kidnapped the victim is not the victim's parent or guardian.

(12) Criminal confinement (IC 35-42-3-3), if the victim is less than eighteen (18) years of age, and the person who confined or removed the victim is not the victim's parent or guardian.

(13) Possession of child pornography (IC 35-42-4-4(d) or IC 35-42-4-4(e)).

(14) Promoting prostitution (IC 35-45-4-4) as a Class B felony (for a crime committed before July 1, 2014) or a Level 4 felony (for a crime committed after June 30, 2014).

(15) Promotion of human sexual trafficking under IC 35-42-3.5-1.1.

(16) Promotion of child sexual trafficking under IC 35-42-3.5-1.2(a).

(17) Promotion of sexual trafficking of a younger child (IC 35-42-3.5-1.2(c)).

(18) Child sexual trafficking (IC 35-42-3.5-1.3).

(19) Human trafficking under IC 35-42-3.5-1.4 if the victim is less than eighteen (18) years of age.

(20) Sexual misconduct by a service provider with a detained or supervised child (IC 35-44.1-3-10(c)).

~~(21) An attempt or conspiracy to commit a crime listed in this subsection.~~

~~(22) A crime under the laws of another jurisdiction, including a military court, that is substantially equivalent to any of the offenses listed in this subsection.~~

(b) The term includes:

(1) a person who is required to register as a sex offender in any jurisdiction; and

(2) a child who has committed a delinquent act and who:

(A) is at least fourteen (14) years of age;

(B) is on probation, is on parole, is discharged from a facility by the department of correction, is discharged from a secure private facility (as defined in IC 31-9-2-115), or is discharged from a juvenile detention facility as a result of an adjudication as a delinquent child for an act that would be an offense described in subsection (a) if committed by an adult; and

(C) is found by a court by clear and convincing evidence to be likely to repeat an act that would be an offense described in subsection (a) if committed by an adult.

(c) In making a determination under subsection (b)(2)(C), the court shall consider expert testimony concerning whether a child is likely to repeat an act that would be an offense described in subsection (a) if committed by an adult.

SECTION 13. IC 11-8-8-5, AS AMENDED BY P.L.144-2018, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 5. (a) Except as provided in section 22 of this chapter, as used in this chapter, "sex or violent offender" means a person convicted of any of the following offenses:

(1) Rape (IC 35-42-4-1).

(2) Criminal deviate conduct (IC 35-42-4-2) (before its repeal).

(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 (including performing sexual conduct in the presence of a minor) (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, Class B, or Class C felony (for a crime committed before July 1,

2014) or a Level 1, Level 2, Level 4, or Level 5 felony (for a crime committed after June 30, 2014), unless:

(A) the person is convicted of sexual misconduct with a minor as a Class C felony (for a crime committed before July 1, 2014) or a Level 5 felony (for a crime committed after June 30, 2014);

(B) the person is not more than:

(i) four (4) years older than the victim if the offense was committed after June 30, 2007; or

(ii) five (5) years older than the victim if the offense was committed before July 1, 2007; and

(C) the sentencing court finds that the person should not be required to register as a sex offender.

(9) Incest (IC 35-46-1-3).

(10) Sexual battery (IC 35-42-4-8).

(11) Kidnapping (IC 35-42-3-2), if the victim is less than eighteen (18) years of age, and the person who kidnapped the victim is not the victim's parent or guardian.

(12) Criminal confinement (IC 35-42-3-3), if the victim is less than eighteen (18) years of age, and the person who confined or removed the victim is not the victim's parent or guardian.

(13) Possession of child pornography (IC 35-42-4-4(d) or IC 35-42-4-4(e)).

(14) Promoting prostitution (IC 35-45-4-4) as a Class B felony (for a crime committed before July 1, 2014) or a Level 4 felony (for a crime committed after June 30, 2014).

(15) Promotion of human sexual trafficking under IC 35-42-3.5-1.1.

(16) Promotion of child sexual trafficking under IC 35-42-3.5-1.2(a).

(17) Promotion of sexual trafficking of a younger child (IC 35-42-3.5-1.2(c)).

(18) Child sexual trafficking (IC 35-42-3.5-1.3).

(19) Human trafficking under IC 35-42-3.5-1.4 if the victim is less than eighteen (18) years of age.

(20) Murder (IC 35-42-1-1).

(21) Voluntary manslaughter (IC 35-42-1-3).

(22) Sexual misconduct by a service provider with a detained or supervised child (IC 35-44.1-3-10(c)).

~~(23) An attempt or conspiracy to commit a crime listed in this subsection.~~

~~(24) A crime under the laws of another jurisdiction, including a military court, that is substantially equivalent to any of the offenses listed in this subsection.~~

(b) The term includes:

(1) a person who is required to register as a sex or violent offender in any jurisdiction; and

(2) a child who has committed a delinquent act and who:

(A) is at least fourteen (14) years of age;

(B) is on probation, is on parole, is discharged from a facility by the department of correction, is discharged from a secure private facility (as defined in IC 31-9-2-115), or is discharged from a juvenile detention facility as a result of an adjudication as a delinquent child for an act that would be an offense described in subsection (a) if committed by an adult; and

(C) is found by a court by clear and convincing evidence to be likely to repeat an act that would be an offense described in subsection (a) if committed by an adult.

(c) In making a determination under subsection (b)(2)(C), the court shall consider expert testimony concerning whether a child is likely to repeat an act that would be an offense described in subsection (a) if committed by an adult.

SECTION 14. IC 11-8-8-17, AS AMENDED BY P.L.44-2018, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 17. (a) A sex or violent offender who knowingly or intentionally:

(1) fails to register when required to register under this chapter;

(2) fails to register in every location where the sex or violent offender is required to register under this chapter;

(3) makes a material misstatement or omission while registering as a sex or violent offender under this chapter;

(4) fails to register in person as required under this chapter; or

(5) does not reside at the sex or violent offender's registered address or location;

commits a Level 6 felony.

(b) The offense described in subsection (a) is a Level 5 felony if the sex or violent offender has a prior unrelated conviction for an offense:

(1) under this section;

(2) based on the person's failure to comply with any requirement imposed on a sex or violent offender under this chapter or under IC 5-2-12 before its repeal; or

(3) that

~~(A) is a crime under the laws of another jurisdiction, including a military court; and~~

~~(B) is:~~

~~(i) the same or substantially similar to an offense under this section; or~~

~~(ii)~~ **is** based on the person's failure to comply with a requirement imposed on the person that is the same or substantially similar to a requirement imposed on a sex or violent offender under this chapter or under IC 5-2-12 before its repeal.

(c) It is not a defense to a prosecution under this section that the sex or violent offender was unable to pay the sex or violent offender registration fee or the sex or violent offender address change fee described under IC 36-2-13-5.6.

SECTION 15. IC 11-12-3.7-6, AS AMENDED BY P.L.211-2019, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 6. As used in this chapter, "violent offense" means one (1) or more of the following offenses:

(1) Murder (IC 35-42-1-1).

(2) Attempted murder (IC 35-41-5-1).

(3) Voluntary manslaughter (IC 35-42-1-3).

(4) Involuntary manslaughter (IC 35-42-1-4).

(5) Reckless homicide (IC 35-42-1-5).

(6) Aggravated battery (IC 35-42-2-1.5).

(7) Battery (IC 35-42-2-1) as a:

(A) Class A felony, Class B felony, or Class C felony (for a crime committed before July 1, 2014); or

(B) Level 2 felony, Level 3 felony, or Level 5 felony (for a crime committed after June 30, 2014).

(8) Kidnapping (IC 35-42-3-2).

(9) A sex crime listed in IC 35-42-4-1 through IC 35-42-4-8 that is a:

(A) Class A felony, Class B felony, or Class C felony (for a crime committed before July 1, 2014); or

(B) Level 1 felony, Level 2 felony, Level 3 felony, Level 4 felony, or Level 5 felony (for a crime committed after June 30, 2014).

(10) Sexual misconduct with a minor (IC 35-42-4-9) as a:

(A) Class A felony or Class B felony (for a crime committed before July 1, 2014); or

(B) Level 1 felony, Level 2 felony, or Level 4 felony (for a crime committed after June 30, 2014).

(11) Incest (IC 35-46-1-3).

(12) Robbery (IC 35-42-5-1) as a:

(A) Class A felony or a Class B felony (for a crime committed before July 1, 2014); or

(B) Level 2 felony or Level 3 felony (for a crime committed after June 30, 2014).

(13) Burglary (IC 35-43-2-1) as a:

(A) Class A felony or a Class B felony (for a crime committed before July 1, 2014); or

(B) Level 1 felony, Level 2 felony, Level 3 felony, or Level 4 felony (for a crime committed after June 30, 2014).

(14) Carjacking (IC 35-42-5-2) (repealed).

(15) Assisting a criminal (IC 35-44.1-2-5) as a:

(A) Class C felony (for a crime committed before July 1, 2014); or

(B) Level 5 felony (for a crime committed after June 30, 2014).

(16) Escape (IC 35-44.1-3-4) as a:

(A) Class B felony or Class C felony (for a crime committed before July 1, 2014); or

(B) Level 4 felony or Level 5 felony (for a crime committed after June 30, 2014).

(17) Trafficking with an inmate (IC 35-44.1-3-5) as a:

(A) Class C felony (for a crime committed before July 1, 2014); or

(B) Level 5 felony (for a crime committed after June 30, 2014).

(18) Causing death or catastrophic injury when operating a vehicle (IC 9-30-5-5).

(19) Criminal confinement (IC 35-42-3-3) as a:

(A) Class B felony (for a crime committed before July 1, 2014); or

(B) Level 3 felony (for a crime committed after June 30, 2014).

(20) Arson (IC 35-43-1-1) as a:

(A) Class A or Class B felony (for a crime committed before July 1, 2014); or

(B) Level 2, Level 3, or Level 4 felony (for a crime committed after June 30, 2014).

(21) Possession, use, or manufacture of a weapon of mass destruction (IC 35-46.5-2-1) (or IC 35-47-12-1 before its repeal).

(22) Terroristic mischief (IC 35-46.5-2-3) (or IC 35-47-12-3 before its repeal) as a:

(A) Class B felony (for a crime committed before July 1, 2014); or

(B) Level 4 felony (for a crime committed after June 30, 2014).

(23) Hijacking or disrupting an aircraft (IC 35-47-6-1.6).

(24) A violation of IC 35-47.5 (controlled explosives) as a:

(A) Class A or Class B felony (for a crime committed before July 1, 2014); or

(B) Level 2 or Level 4 felony (for a crime committed after June 30, 2014).

(25) Domestic battery (IC 35-42-2-1.3) as a Level 2 felony, Level 3 felony, or Level 5 felony.

~~(26) A crime under the laws of another jurisdiction, including a military court, that is substantially similar to any of the offenses listed in this subdivision.~~

~~(27)~~ **(26)** Any other crimes evidencing a propensity or history of violence.

SECTION 16. IC 12-7-2-53.2, AS AMENDED BY P.L.168-2014, SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 53.2. "Dangerous felony", for purposes of IC 12-17.2, means one (1) or more of the following felonies:

(1) Murder (IC 35-42-1-1).
(2) Attempted murder (IC 35-41-5-1).
(3) Voluntary manslaughter (IC 35-42-1-3).
(4) Involuntary manslaughter (IC 35-42-1-4).
(5) Reckless homicide (IC 35-42-1-5).
(6) Aggravated battery (IC 35-42-2-1.5).
(7) Kidnapping (IC 35-42-3-2).
(8) Rape (IC 35-42-4-1).
(9) Criminal deviate conduct (IC 35-42-4-2) (before its repeal).
(10) Child molesting (IC 35-42-4-3).
(11) Sexual misconduct with a minor as a Class A felony (for a crime committed before July 1, 2014) or a Level 1 felony (for a crime committed after June 30, 2014) under IC 35-42-4-9(a)(2) or a Class B felony (for a crime committed before July 1, 2014) or a Level 2 felony (for a crime committed after June 30, 2014) under IC 35-42-4-9(b)(2).
(12) Robbery as a Class A or Class B felony (for a crime committed before July 1, 2014) or a Level 2 or Level 3 felony (for a crime committed after June 30, 2014) (IC 35-42-5-1).
(13) Burglary as a Class A or Class B felony (for a crime committed before July 1, 2014) or a Level 2 or Level 3 felony (for a crime committed after June 30, 2014) (IC 35-43-2-1).
(14) Battery as a felony (IC 35-42-2-1).
(15) Domestic battery (IC 35-42-2-1.3).
(16) Strangulation (IC 35-42-2-9).
(17) Criminal confinement (IC 35-42-3-3).
(18) Sexual battery (IC 35-42-4-8).
~~(19) A felony committed in another jurisdiction that is substantially similar to a felony in this section.~~
~~(20) An attempt to commit or a conspiracy to commit an offense listed in subdivisions (1) through (19).~~

SECTION 17. IC 14-15-4-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1. **(a) Subject to subsection (b),** the operator of a boat involved in an accident or a collision resulting in injury to or death of a person or damage to a boat or other property, shall do the following:

(1) **If the action described in this subdivision can be done without endangering a person,** stop the boat immediately and as close as possible to the scene of the accident.

(2) **If the action described in this subdivision can be done without endangering a person,** return to the scene of the accident and remain there until the operator has complied with this section.

(3) Give:

(A) the operator's name and address;

(B) a full identification of the boat operated; and

(C) the name and address of the owner;

to the operator of each other boat and each person injured.

(4) Upon request, exhibit the operator's license to the operator of each other boat and each person injured.

(5) **Notify emergency services as soon as possible, and** provide reasonable assistance to each person injured, including carrying or arranging for carrying each injured person to a physician, surgeon, or hospital for medical or surgical treatment if:

(A) it is apparent that treatment is necessary; or

(B) the injured person so requests.

(b) An operator described in subsection (a) shall make a reasonable and good faith effort to perform the actions described in subsection (a). However, an operator is not required to perform an act that would endanger a person.

SECTION 18. IC 16-27-2-5, AS AMENDED BY P.L.51-2016, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 5. (a) Except as provided in subsection (b), a person who operates a home health agency under IC 16-27-1 or a personal services agency under IC 16-27-4 may not employ a person to provide services in a patient's or client's temporary or permanent residence if that person's national criminal history background check or expanded criminal history check indicates that the person has been convicted of any of the following:

(1) Rape (IC 35-42-4-1).

(2) Criminal deviate conduct (IC 35-42-4-2) (repealed).

(3) Exploitation of an endangered adult (IC 35-46-1-12).

(4) Failure to report battery, neglect, or exploitation of an endangered adult (IC 35-46-1-13).

(5) Theft (IC 35-43-4), if the conviction for theft occurred less than ten (10) years before the person's employment application date.

~~(6) A felony that is substantially equivalent to a felony listed in:~~

~~(A) subdivisions (1) through (4); or~~

~~(B) subdivision (5), if the conviction for theft occurred less than ten (10) years before the person's employment application date;~~

~~for which the conviction was entered in another state.~~

(b) A home health agency or personal services agency may not employ a person to provide services in a patient's or client's temporary or permanent residence for more than twenty-one (21) calendar days without receipt of that person's national criminal history background check or expanded criminal history check required by section 4 of this chapter, unless the state police department, the Federal Bureau of Investigation under IC 10-13-3-39, or the private agency providing the expanded criminal history check is responsible for failing to provide the person's national criminal history background check or expanded criminal history check to the home health agency or personal services agency within the time required under this subsection.

SECTION 19. IC 16-31-3-14, AS AMENDED BY P.L.80-2019, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 14. (a) A person holding a certificate or license issued under this article must comply with the applicable standards and rules established under this article. A certificate holder or license holder is subject to disciplinary sanctions under subsection (b) if the department of homeland security determines that the certificate holder or license holder:

(1) engaged in or knowingly cooperated in fraud or material deception in order to obtain a certificate or license, including cheating on a certification or licensure examination;

(2) engaged in fraud or material deception in the course of professional services or activities;

(3) advertised services or goods in a false or misleading manner;

(4) falsified or knowingly allowed another person to falsify attendance records or certificates of completion of continuing

education courses required under this article or rules adopted under this article;

(5) is convicted of a crime, if the act that resulted in the conviction has a direct bearing on determining if the certificate holder or license holder should be entrusted to provide emergency medical services;

(6) is convicted of violating IC 9-19-14.5;

(7) fails to comply and maintain compliance with or violates any applicable provision, standard, or other requirement of this article or rules adopted under this article;

(8) continues to practice if the certificate holder or license holder becomes unfit to practice due to:

(A) professional incompetence that includes the undertaking of professional activities that the certificate holder or license holder is not qualified by training or experience to undertake;

(B) failure to keep abreast of current professional theory or practice;

(C) physical or mental disability; or

(D) addiction to, abuse of, or dependency on alcohol or other drugs that endanger the public by impairing the certificate holder's or license holder's ability to practice safely;

(9) engages in a course of lewd or immoral conduct in connection with the delivery of services to the public;

(10) allows the certificate holder's or license holder's name or a certificate or license issued under this article to be used in connection with a person who renders services beyond the scope of that person's training, experience, or competence;

(11) is subjected to disciplinary action in another state or jurisdiction on grounds similar to those contained in this chapter. For purposes of this subdivision, a certified copy of a record of disciplinary action constitutes prima facie evidence of a disciplinary action in another jurisdiction;

(12) assists another person in committing an act that would constitute a ground for disciplinary sanction under this chapter; or

(13) allows a certificate or license issued by the commission to be:

(A) used by another person; or

(B) displayed to the public when the certificate or license is expired, inactive, invalid, revoked, or suspended.

(b) The department of homeland security may issue an order under IC 4-21.5-3-6 to impose one (1) or more of the following sanctions if the department of homeland security determines that a certificate holder or license holder is subject to disciplinary sanctions under subsection (a):

(1) Revocation of a certificate holder's certificate or license holder's license for a period not to exceed seven (7) years.

(2) Suspension of a certificate holder's certificate or license holder's license for a period not to exceed seven (7) years.

(3) Censure of a certificate holder or license holder.

(4) Issuance of a letter of reprimand.

(5) Assessment of a civil penalty against the certificate holder or license holder in accordance with the following:

(A) The civil penalty may not exceed five hundred dollars ($500) per day per violation.

(B) If the certificate holder or license holder fails to pay the civil penalty within the time specified by the department of homeland security, the department of homeland security may suspend the certificate holder's certificate or license holder's license without additional proceedings.

(6) Placement of a certificate holder or license holder on probation status and requirement of the certificate holder or license holder to:

(A) report regularly to the department of homeland security upon the matters that are the basis of probation;

(B) limit practice to those areas prescribed by the department of homeland security;

(C) continue or renew professional education approved by the department of homeland security until a satisfactory degree of skill has been attained in those areas that are the basis of the probation; or

(D) perform or refrain from performing any acts, including community restitution or service without compensation, that the department of homeland security considers appropriate to the public interest or to the rehabilitation or treatment of the certificate holder or license holder.

The department of homeland security may withdraw or modify this probation if the department of homeland security finds after a hearing that the deficiency that required disciplinary action is remedied or that changed circumstances warrant a modification of the order.

(c) If an applicant or a certificate holder or license holder has engaged in or knowingly cooperated in fraud or material deception to obtain a certificate or license, including cheating on the certification or licensure examination, the department of homeland security may rescind the certificate or license if it has been granted, void the examination or other fraudulent or deceptive material, and prohibit the applicant from reapplying for the certificate or license for a length of time established by the department of homeland security.

(d) The department of homeland security may deny certification or licensure to an applicant who would be subject to disciplinary sanctions under subsection (b) if that person were a certificate holder or license holder, has had disciplinary action taken against the applicant or the applicant's certificate or license to practice in another state or jurisdiction, or has practiced without a certificate or license in violation of the law. A certified copy of the record of disciplinary action is conclusive evidence of the other jurisdiction's disciplinary action.

(e) The department of homeland security may order a certificate holder or license holder to submit to a reasonable physical or mental examination if the certificate holder's or license holder's physical or mental capacity to practice safely and competently is at issue in a disciplinary proceeding. Failure to comply with a department of homeland security order to submit to a physical or mental examination makes a certificate holder or license holder liable to temporary suspension under subsection (i).

(f) Except as provided under subsection (a), subsection (g), and section 14.5 of this chapter, a certificate or license may not be denied, revoked, or suspended because the applicant, certificate holder, or license holder has been convicted of an offense. The acts from which the applicant's, certificate holder's, or license holder's conviction resulted may be considered as to whether the applicant or certificate holder or license holder should be entrusted to serve the public in a specific capacity.

(g) The department of homeland security may deny, suspend, or revoke a certificate or license issued under this article if the individual who holds or is applying for the certificate or license is convicted of any of the following:

(1) Possession of cocaine or a narcotic drug under IC 35-48-4-6.

(2) Possession of methamphetamine under IC 35-48-4-6.1.

(3) Possession of a controlled substance under IC 35-48-4-7(a).

(4) Fraudulently obtaining a controlled substance under IC 35-48-4-7(c).

(5) Manufacture of paraphernalia as a Class D felony (for a crime committed before July 1, 2014) or Level 6 felony (for a crime committed after June 30, 2014) under IC 35-48-4-8.1(b).

(6) Dealing in paraphernalia as a Class D felony (for a crime committed before July 1, 2014) or Level 6 felony (for a crime committed after June 30, 2014) under IC 35-48-4-8.5(b).

(7) Possession of paraphernalia as a Class D felony (for a crime committed before July 1, 2014) or Level 6 felony (for a crime committed after June 30, 2014) under IC 35-48-4-8.3(b) (before its amendment on July 1, 2015).

(8) Possession of marijuana, hash oil, hashish, or salvia as a Class D felony (for a crime committed before July 1, 2014) or Level 6 felony (for a crime committed after June 30, 2014) under IC 35-48-4-11.

(9) A felony offense under IC 35-48-4 involving:

(A) possession of a synthetic drug (as defined in IC 35-31.5-2-321);

(B) possession of a synthetic drug lookalike substance (as defined in IC 35-31.5-2-321.5 (before its repeal on July 1, 2019)) as a:

(i) Class D felony (for a crime committed before July 1, 2014); or

(ii) Level 6 felony (for a crime committed after June 30, 2014);

under IC 35-48-4-11.5 (before its repeal on July 1, 2019); or

(C) possession of a controlled substance analog (as defined in IC 35-48-1-9.3).

(10) Maintaining a common nuisance under IC 35-48-4-13 (repealed) or IC 35-45-1-5, if the common nuisance involves a controlled substance.

(11) An offense relating to registration, labeling, and prescription forms under IC 35-48-4-14.

~~(12) Conspiracy under IC 35-41-5-2 to commit an offense listed in this section.~~

~~(13) Attempt under IC 35-41-5-1 to commit an offense listed in this section.~~

~~(14) An offense in any other jurisdiction in which the elements of the offense for which the conviction was entered are substantially similar to the elements of an offense described in this section.~~

(h) A decision of the department of homeland security under subsections (b) through (g) may be appealed to the commission under IC 4-21.5-3-7.

(i) The department of homeland security may temporarily suspend a certificate holder's certificate or license holder's license under IC 4-21.5-4 before a final adjudication or during the appeals process if the department of homeland security finds that a certificate holder or license holder would represent a clear and immediate danger to the public's health, safety, or property if the certificate holder or license holder were allowed to continue to practice.

(j) On receipt of a complaint or information alleging that a person certified or licensed under this chapter or IC 16-31-3.5 has engaged in or is engaging in a practice that is subject to disciplinary sanctions under this chapter, the department of homeland security must initiate an investigation against the person.

(k) The department of homeland security shall conduct a factfinding investigation as the department of homeland security considers proper in relation to the complaint.

(l) The department of homeland security may reinstate a certificate or license that has been suspended under this section if the department of homeland security is satisfied that the applicant is able to practice with reasonable skill, competency, and safety to the public. As a condition of reinstatement, the department of homeland security may impose disciplinary or corrective measures authorized under this chapter.

(m) The department of homeland security may not reinstate a certificate or license that has been revoked under this chapter.

(n) The department of homeland security must be consistent in the application of sanctions authorized in this chapter. Significant departures from prior decisions involving similar conduct must be explained in the department of homeland security's findings or orders.

(o) A certificate holder may not surrender the certificate holder's certificate, and a license holder may not surrender the license holder's license, without the written approval of the department of homeland security, and the department of homeland security may impose any conditions appropriate to the surrender or reinstatement of a surrendered certificate or license.

(p) For purposes of this section, "certificate holder" means a person who holds:

(1) an unlimited certificate;

(2) a limited or probationary certificate; or

(3) an inactive certificate.

(q) For purposes of this section, "license holder" means a person who holds:

(1) an unlimited license;

(2) a limited or probationary license; or

(3) an inactive license.

SECTION 20. IC 16-31-3-14.5, AS AMENDED BY P.L.80-2019, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 14.5. The department of homeland security may issue an order under IC 4-21.5-3-6 to deny an applicant's request for certification or licensure or permanently revoke a certificate or license under procedures provided by section 14 of this chapter if the individual who holds the certificate or license issued under this title is convicted of any of the following:

(1) Dealing in a controlled substance resulting in death under IC 35-42-1-1.5.

(2) Dealing in or manufacturing cocaine or a narcotic drug under IC 35-48-4-1.

(3) Dealing in methamphetamine under IC 35-48-4-1.1.

(4) Manufacturing methamphetamine under IC 35-48-4-1.2.

(5) Dealing in a schedule I, II, or III controlled substance under IC 35-48-4-2.

(6) Dealing in a schedule IV controlled substance under IC 35-48-4-3.

(7) Dealing in a schedule V controlled substance under IC 35-48-4-4.

(8) Dealing in a substance represented to be a controlled substance under IC 35-48-4-4.5 (repealed).

(9) Knowingly or intentionally manufacturing, advertising, distributing, or possessing with intent to manufacture, advertise, or distribute a substance represented to be a controlled substance under IC 35-48-4-4.6.

(10) Dealing in a counterfeit substance under IC 35-48-4-5.

(11) Dealing in marijuana, hash oil, hashish, or salvia as a felony under IC 35-48-4-10.

(12) An offense under IC 35-48-4 involving the manufacture or sale of a synthetic drug (as defined in IC 35-31.5-2-321), a synthetic drug lookalike substance (as defined in IC 35-31.5-2-321.5 (before its repeal on July 1, 2019)) under IC 35-48-4-10.5 (before its repeal on July 1, 2019), a controlled substance analog (as defined in IC 35-48-1-9.3), or a substance represented to be a controlled substance (as described in IC 35-48-4-4.6).

~~(13) Conspiracy under IC 35-41-5-2 to commit an offense listed in this section.~~

~~(14) Attempt under IC 35-41-5-1 to commit an offense listed in this section.~~

~~(15)~~ **(13)** A crime of violence (as defined in IC 35-50-1-2(a)).

~~(16) An offense in any other jurisdiction in which the elements of the offense for which the conviction was entered are substantially similar to the elements of an offense described under this section.~~

SECTION 21. IC 20-26-5-11, AS AMENDED BY P.L.85-2017, SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 11. (a) This section applies to:

(1) a school corporation;

(2) a charter school; and

(3) an entity:

(A) with which the school corporation contracts for services; and

(B) that has employees who are likely to have direct, ongoing contact with children within the scope of the employees' employment.

(b) A school corporation, charter school, or entity may use information obtained under section 10 of this chapter concerning an individual's conviction for one (1) of the following offenses as grounds to not employ or contract with the individual:

(1) Murder (IC 35-42-1-1).

(2) Causing suicide (IC 35-42-1-2).

(3) Assisting suicide (IC 35-42-1-2.5).

(4) Voluntary manslaughter (IC 35-42-1-3).

(5) Reckless homicide (IC 35-42-1-5).

(6) Battery (IC 35-42-2-1) unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.

(7) Aggravated battery (IC 35-42-2-1.5).

(8) Kidnapping (IC 35-42-3-2).

(9) Criminal confinement (IC 35-42-3-3).

(10) A sex offense under IC 35-42-4.

(11) Carjacking (IC 35-42-5-2) (repealed).

(12) Arson (IC 35-43-1-1), unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.

(13) Incest (IC 35-46-1-3).

(14) Neglect of a dependent as a Class B felony (for a crime committed before July 1, 2014) or a Level 1 felony or Level 3 felony (for a crime committed after June 30, 2014) (IC 35-46-1-4(b)(2)), unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.

(15) Child selling (IC 35-46-1-4(d)).

(16) Contributing to the delinquency of a minor (IC 35-46-1-8), unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.

(17) An offense involving a weapon under IC 35-47 or IC 35-47.5, unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.

(18) An offense relating to controlled substances under IC 35-48-4, unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.

(19) An offense relating to material or a performance that is harmful to minors or obscene under IC 35-49-3, unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.

(20) An offense relating to operating a motor vehicle while intoxicated under IC 9-30-5, unless five (5) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.

(21) Domestic battery (IC 35-42-2-1.3), unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is latest.

~~(22) An offense that is substantially equivalent to any of the offenses listed in this subsection in which the judgment of conviction was entered under the law of any other jurisdiction.~~

(c) An individual employed by a school corporation, charter school, or entity described in subsection (a) shall notify the governing body of the school corporation, if during the course of the individual's employment, the individual is convicted in Indiana or another jurisdiction of an offense described in subsection (b).

(d) A school corporation, charter school, or entity may use information obtained under section 10 of this chapter concerning an individual being the subject of a substantiated report of child abuse or neglect as grounds to not employ or contract with the individual.

(e) An individual employed by a school corporation, charter school, or entity described in subsection (a) shall notify the governing body of the school corporation, if during the course of the individual's employment, the individual is the subject of a substantiated report of child abuse or neglect.

SECTION 22. IC 20-26-14-8, AS ADDED BY P.L.169-2019, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 8. (a) The department shall notify the association of any license revocation or suspension involving a licensed teacher (as defined in IC 20-18-2-22) under IC 20-28-5-8 who:

(1) has:

(A) been convicted of an offense described in IC 20-28-5-8(c); ~~or of a known comparable offense in another state;~~ or

(B) committed misconduct described in IC 20-28-5-7(1) or IC 20-28-5-7(2); and

(2) is also a coach accredited by the association.

(b) A school corporation, charter high school, or nonpublic high school with at least one (1) employee must report to the association, in a manner prescribed by the association, when a nonteaching or volunteer coach accredited by the association has been convicted of an offense described in IC 20-28-5-8(c). ~~or of a known comparable offense in another state.~~

(c) The association shall develop a rule, as soon as practicable, to suspend or revoke the coaching accreditation of a teacher who has been reported to the association under subsection (a) for committing misconduct described in IC 20-28-5-7(1) or IC 20-28-5-7(2).

(d) The association shall revoke the accreditation of any coach who has been convicted of an offense described in IC 20-28-5-8. The association may, after holding a hearing on the matter, reinstate the accreditation of an individual whose accreditation has been revoked by the association if the individual's conviction has been reversed, vacated, or set aside on appeal.

(e) Nothing in this section shall be construed to prohibit the association from revoking a coaching accreditation or otherwise imposing any other form of discipline for misconduct not described in IC 20-28-5-7(1), IC 20-28-5-7(2), or IC 20-28-5-8.

(f) The:

(1) association or its employees;

(2) department or its employees; or

(3) school corporation, charter high school, or nonpublic high school with at least one (1) employee or its employees;

are immune from civil liability for any act done or omitted under this section or section 9 of this chapter unless the action constitutes gross negligence or willful or wanton misconduct.

SECTION 23. IC 22-15-5-16, AS AMENDED BY P.L.80-2019, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 16. (a) A practitioner shall comply with the standards established under this licensing program. A practitioner is subject to the exercise of the disciplinary sanctions under subsection (b) if the department finds that a practitioner has:

(1) engaged in or knowingly cooperated in fraud or material deception in order to obtain a license to practice, including cheating on a licensing examination;

(2) engaged in fraud or material deception in the course of professional services or activities;

(3) advertised services or goods in a false or misleading manner;

(4) falsified or knowingly allowed another person to falsify attendance records or certificates of completion of continuing education courses provided under this chapter;

(5) been convicted of a crime that has a direct bearing on the practitioner's ability to continue to practice competently;

(6) knowingly violated a state statute or rule or federal statute or regulation regulating the profession for which the practitioner is licensed;

(7) continued to practice although the practitioner has become unfit to practice due to:

(A) professional incompetence;

(B) failure to keep abreast of current professional theory or practice;

(C) physical or mental disability; or

(D) addiction to, abuse of, or severe dependency on alcohol or other drugs that endanger the public by impairing a practitioner's ability to practice safely;

(8) engaged in a course of lewd or immoral conduct in connection with the delivery of services to the public;

(9) allowed the practitioner's name or a license issued under this chapter to be used in connection with an individual or business

who renders services beyond the scope of that individual's or business's training, experience, or competence;

(10) had disciplinary action taken against the practitioner or the practitioner's license to practice in another state or jurisdiction on grounds similar to those under this chapter;

(11) assisted another person in committing an act that would constitute a ground for disciplinary sanction under this chapter; or

(12) allowed a license issued by the department to be:

(A) used by another person; or

(B) displayed to the public when the license has expired, is inactive, is invalid, or has been revoked or suspended.

For purposes of subdivision (10), a certified copy of a record of disciplinary action constitutes prima facie evidence of a disciplinary action in another jurisdiction.

(b) The department may impose one (1) or more of the following sanctions if the department finds that a practitioner is subject to disciplinary sanctions under subsection (a):

(1) Permanent revocation of a practitioner's license.

(2) Suspension of a practitioner's license.

(3) Censure of a practitioner.

(4) Issuance of a letter of reprimand.

(5) Assessment of a civil penalty against the practitioner in accordance with the following:

(A) The civil penalty may not be more than one thousand dollars ($1,000) for each violation listed in subsection (a), except for a finding of incompetency due to a physical or mental disability.

(B) When imposing a civil penalty, the department shall consider a practitioner's ability to pay the amount assessed. If the practitioner fails to pay the civil penalty within the time specified by the department, the department may suspend the practitioner's license without additional proceedings. However, a suspension may not be imposed if the sole basis for the suspension is the practitioner's inability to pay a civil penalty.

(6) Placement of a practitioner on probation status and requirement of the practitioner to:

(A) report regularly to the department upon the matters that are the basis of probation;

(B) limit practice to those areas prescribed by the department;

(C) continue or renew professional education approved by the department until a satisfactory degree of skill has been attained in those areas that are the basis of the probation; or

(D) perform or refrain from performing any acts, including community restitution or service without compensation, that the department considers appropriate to the public interest or to the rehabilitation or treatment of the practitioner.

The department may withdraw or modify this probation if the department finds after a hearing that the deficiency that required disciplinary action has been remedied or that changed circumstances warrant a modification of the order.

(c) If an applicant or a practitioner has engaged in or knowingly cooperated in fraud or material deception to obtain a license to practice, including cheating on the licensing examination, the department may rescind the license if it has been granted, void the examination or other fraudulent or deceptive material, and prohibit the applicant from reapplying for the license for a length of time established by the department.

(d) The department may deny licensure to an applicant who has had disciplinary action taken against the applicant or the applicant's license to practice in another state or jurisdiction or who has practiced without a license in violation of the law. A certified copy of the record of disciplinary action is conclusive evidence of the other jurisdiction's disciplinary action.

(e) The department may order a practitioner to submit to a reasonable physical or mental examination if the practitioner's physical or mental capacity to practice safely and competently is at issue in a disciplinary proceeding. Failure to comply with a department order to submit to a physical or mental examination makes a practitioner liable to temporary suspension under subsection (j).

(f) Except as provided under subsection (g) or (h), a license may not be denied, revoked, or suspended because the applicant or holder has been convicted of an offense. The acts from which the applicant's or holder's conviction resulted may, however, be considered as to whether

the applicant or holder should be entrusted to serve the public in a specific capacity.

(g) The department may deny, suspend, or revoke a license issued under this chapter if the individual who holds the license is convicted of any of the following:

(1) Possession of cocaine or a narcotic drug under IC 35-48-4-6.

(2) Possession of methamphetamine under IC 35-48-4-6.1.

(3) Possession of a controlled substance under IC 35-48-4-7(a).

(4) Fraudulently obtaining a controlled substance under IC 35-48-4-7(b) (for a crime committed before July 1, 2014) or IC 35-48-4-7(c) (for a crime committed after June 30, 2014).

(5) Manufacture of paraphernalia as a Class D felony (for a crime committed before July 1, 2014) or a Level 6 felony (for a crime committed after June 30, 2014) under IC 35-48-4-8.1(b).

(6) Dealing in paraphernalia as a Class D felony (for a crime committed before July 1, 2014) or a Level 6 felony (for a crime committed after June 30, 2014) under IC 35-48-4-8.5(b).

(7) Possession of paraphernalia as a Class D felony (for a crime committed before July 1, 2014) or a Level 6 felony (for a crime committed after June 30, 2014) under IC 35-48-4-8.3(b) (before its amendment on July 1, 2015).

(8) Possession of marijuana, hash oil, hashish, or salvia as a Class D felony (for a crime committed before July 1, 2014) or a Level 6 felony (for a crime committed after June 30, 2014) under IC 35-48-4-11.

(9) A felony offense under IC 35-48-4 involving possession of a synthetic drug (as defined in IC 35-31.5-2-321), possession of a controlled substance analog (as defined in IC 35-48-1-9.3), or possession of a synthetic drug lookalike substance (as defined in IC 35-31.5-2-321.5 (before its repeal on July 1, 2019)) as a:

(A) Class D felony for a crime committed before July 1, 2014; or

(B) Level 6 felony for a crime committed after June 30, 2014;

under IC 35-48-4-11.5 (before its repeal on July 1, 2019).

(10) Maintaining a common nuisance under IC 35-48-4-13 (repealed) or IC 35-45-1-5, if the common nuisance involves a controlled substance.

(11) An offense relating to registration, labeling, and prescription forms under IC 35-48-4-14.

~~(12) Conspiracy under IC 35-41-5-2 to commit an offense listed in this subsection.~~

~~(13) Attempt under IC 35-41-5-1 to commit an offense listed in this subsection.~~

~~(14) An offense in any other jurisdiction in which the elements of the offense for which the conviction was entered are substantially similar to the elements of an offense described in this subsection.~~

(h) The department shall deny, revoke, or suspend a license issued under this chapter if the individual who holds the license is convicted of any of the following:

(1) Dealing in a controlled substance resulting in death under IC 35-42-1-1.5.

(2) Dealing in cocaine or a narcotic drug under IC 35-48-4-1.

(3) Dealing in methamphetamine under IC 35-48-4-1.1.

(4) Manufacturing methamphetamine under IC 35-48-4-1.2.

(5) Dealing in a schedule I, II, or III controlled substance under IC 35-48-4-2.

(6) Dealing in a schedule IV controlled substance under IC 35-48-4-3.

(7) Dealing in a schedule V controlled substance under IC 35-48-4-4.

(8) Dealing in a substance represented to be a controlled substance under IC 35-48-4-4.5 (repealed).

(9) Knowingly or intentionally manufacturing, advertising, distributing, or possessing with intent to manufacture, advertise, or distribute a substance represented to be a controlled substance under IC 35-48-4-4.6.

(10) Dealing in a counterfeit substance under IC 35-48-4-5.

(11) Dealing in marijuana, hash oil, hashish, or salvia as a felony under IC 35-48-4-10.

(12) An offense under IC 35-48-4 involving the manufacture or sale of a synthetic drug (as defined in IC 35-31.5-2-321), a synthetic drug lookalike substance (as defined in IC 35-31.5-2-321.5 (before its repeal on July 1, 2019)) under IC 35-48-4-10.5 (before its repeal on July 1, 2019), a controlled

substance analog (as defined in IC 35-48-1-9.3), or a substance represented to be a controlled substance (as described in IC 35-48-4-4.6).

~~(13) Conspiracy under IC 35-41-5-2 to commit an offense listed in this subsection.~~

~~(14) Attempt under IC 35-41-5-1 to commit an offense listed in this subsection.~~

~~(15) An offense in any other jurisdiction in which the elements of the offense for which the conviction was entered are substantially similar to the elements of an offense described in this subsection.~~

~~(16)~~ **(13)** A violation of any federal or state drug law or rule related to wholesale legend drug distributors licensed under IC 25-26-14.

(i) A decision of the department under subsections (b) through (h) may be appealed to the commission under IC 4-21.5-3-7.

(j) The department may temporarily suspend a practitioner's license under IC 4-21.5-4 before a final adjudication or during the appeals process if the department finds that a practitioner represents a clear and immediate danger to the public's health, safety, or property if the practitioner is allowed to continue to practice.

(k) On receipt of a complaint or an information alleging that a person licensed under this chapter has engaged in or is engaging in a practice that jeopardizes the public health, safety, or welfare, the department shall initiate an investigation against the person.

(l) Any complaint filed with the office of the attorney general alleging a violation of this licensing program shall be referred to the department for summary review and for its general information and any authorized action at the time of the filing.

(m) The department shall conduct a fact finding investigation as the department considers proper in relation to the complaint.

(n) The department may reinstate a license that has been suspended under this section if, after a hearing, the department is satisfied that the applicant is able to practice with reasonable skill, safety, and competency to the public. As a condition of reinstatement, the department may impose disciplinary or corrective measures authorized under this chapter.

(o) The department 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.

(p) The department shall seek to achieve consistency in the application of sanctions authorized in this chapter. Significant departures from prior decisions involving similar conduct must be explained in the department's findings or orders.

(q) A practitioner may petition the department to accept the surrender of the practitioner's license instead of having a hearing before the commission. The practitioner may not surrender the practitioner's license without the written approval of the department, and the department may impose any conditions appropriate to the surrender or reinstatement of a surrendered license.

(r) A practitioner who has been subjected to disciplinary sanctions may be required by the commission to pay the costs of the proceeding. The practitioner's ability to pay shall be considered when costs are assessed. If the practitioner fails to pay the costs, a suspension may not be imposed solely upon the practitioner's inability to pay the amount assessed. The 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.

SECTION 24. IC 24-5-26-1, AS ADDED BY P.L.137-2009, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1. As used in this chapter, "identity theft" means:

(1) identity deception (IC 35-43-5-3.5); **or**

(2) synthetic identity deception (IC 35-43-5-3.8). ~~or~~

~~(3) a substantially similar crime committed in another jurisdiction.~~

SECTION 25. IC 25-1-1.1-2, AS AMENDED BY P.L.80-2019, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

JULY 1, 2020]: Sec. 2. Notwithstanding IC 25-1-7, a board, a commission, or a committee may suspend, deny, or revoke a license or certificate issued under this title by the board, the commission, or the committee without an investigation by the office of the attorney general if the individual who holds the license or certificate is convicted of any of the following and the board, commission, or committee determines, after the individual has appeared in person, that the offense affects the individual's ability to perform the duties of the profession:

(1) Possession of cocaine or a narcotic drug under IC 35-48-4-6.

(2) Possession of methamphetamine under IC 35-48-4-6.1.

(3) Possession of a controlled substance under IC 35-48-4-7(a).

(4) Fraudulently obtaining a controlled substance under IC 35-48-4-7(c).

(5) Manufacture of paraphernalia as a Class D felony (for a crime committed before July 1, 2014) or a Level 6 felony (for a crime committed after June 30, 2014) under IC 35-48-4-8.1(b).

(6) Dealing in paraphernalia as a Class D felony (for a crime committed before July 1, 2014) or a Level 6 felony (for a crime committed after June 30, 2014) under IC 35-48-4-8.5(b).

(7) Possession of paraphernalia as a Class D felony (for a crime committed before July 1, 2014) or a Level 6 felony (for a crime committed after June 30, 2014) under IC 35-48-4-8.3(b) (before its amendment on July 1, 2015).

(8) Possession of marijuana, hash oil, hashish, or salvia as a Class D felony (for a crime committed before July 1, 2014) or a Level 6 felony (for a crime committed after June 30, 2014) under IC 35-48-4-11.

(9) A felony offense under IC 35-48-4 involving possession of a synthetic drug (as defined in IC 35-31.5-2-321), possession of a controlled substance analog (as defined in IC 35-48-1-9.3), or possession of a synthetic drug lookalike substance (as defined in IC 35-31.5-2-321.5 (before its repeal on July 1, 2019)) as a:

(A) Class D felony for a crime committed before July 1, 2014; or

(B) Level 6 felony for a crime committed after June 30, 2014;

under IC 35-48-4-11.5 (before its repeal on July 1, 2019).

(10) Maintaining a common nuisance under IC 35-48-4-13 (repealed) or IC 35-45-1-5, if the common nuisance involves a controlled substance.

(11) An offense relating to registration, labeling, and prescription forms under IC 35-48-4-14.

~~(12) Conspiracy under IC 35-41-5-2 to commit an offense listed in this section.~~

~~(13) Attempt under IC 35-41-5-1 to commit an offense listed in this section.~~

~~(14)~~ **(12)** A sex crime under IC 35-42-4.

~~(15)~~ **(13)** A felony that reflects adversely on the individual's fitness to hold a professional license.

~~(16) An offense in any other jurisdiction in which the elements of the offense for which the conviction was entered are substantially similar to the elements of an offense described in this section.~~

SECTION 26. IC 25-1-1.1-3, AS AMENDED BY P.L.80-2019, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 3. A board, a commission, or a committee shall revoke or suspend a license or certificate issued under this title by the board, the commission, or the committee if the individual who holds the license or certificate is convicted of any of the following:

(1) Dealing in a controlled substance resulting in death under IC 35-42-1-1.5.

(2) Dealing in or manufacturing cocaine or a narcotic drug under IC 35-48-4-1.

(3) Dealing in methamphetamine under IC 35-48-4-1.1.

(4) Manufacturing methamphetamine under IC 35-48-4-1.2.

(5) Dealing in a schedule I, II, or III controlled substance under IC 35-48-4-2.

(6) Dealing in a schedule IV controlled substance under IC 35-48-4-3.

(7) Dealing in a schedule V controlled substance under IC 35-48-4-4.

(8) Dealing in a substance represented to be a controlled substance under IC 35-48-4-4.5 (before its repeal on July 1, 2019).

(9) Knowingly or intentionally manufacturing, advertising, distributing, or possessing with intent to manufacture, advertise, or distribute a substance represented to be a controlled substance under IC 35-48-4-4.6.

(10) Dealing in a counterfeit substance under IC 35-48-4-5.

(11) Dealing in marijuana, hash oil, hashish, or salvia as a felony under IC 35-48-4-10.

(12) An offense under IC 35-48-4 involving the manufacture or sale of a synthetic drug (as defined in IC 35-31.5-2-321), a synthetic drug lookalike substance (as defined in IC 35-31.5-2-321.5 (before its repeal on July 1, 2019)) under IC 35-48-4-10.5 (before its repeal on July 1, 2019), a controlled substance analog (as defined in IC 35-48-1-9.3), or a substance represented to be a controlled substance (as described in IC 35-48-4-4.6).

~~(13) Conspiracy under IC 35-41-5-2 to commit an offense listed in this section.~~

~~(14) Attempt under IC 35-41-5-1 to commit an offense listed in this section.~~

~~(15) An offense in any other jurisdiction in which the elements of the offense for which the conviction was entered are substantially similar to the elements of an offense described in this section.~~

~~(16)~~ **(13)** A violation of any federal or state drug law or rule related to wholesale legend drug distributors licensed under IC 25-26-14.

SECTION 27. IC 25-23.6-1-5.7, AS ADDED BY P.L.122-2009, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 5.7. (a) "Practice of addiction counseling" means the providing of professional services that are delivered by a licensed addiction counselor, that are designed to change substance use or addictive behavior, and that involve specialized knowledge and skill related to addictions and addictive behaviors, including understanding addiction, knowledge of the treatment process, application to practice, and professional readiness. The term includes:

(1) gathering information through structured interview screens using routine protocols;

(2) reviewing assessment findings to assist in the development of a plan individualized for treatment services and to coordinate services;

(3) referring for assessment, diagnosis, evaluation, and mental health therapy;

(4) providing client and family education related to addictions;

(5) providing information on social networks and community systems for referrals and discharge planning;

(6) participating in multidisciplinary treatment team meetings or consulting with clinical addiction professionals;

(7) counseling, through individual and group counseling, as well as group and family education, to treat addiction and substance abuse in a variety of settings, including:

(A) mental and physical health facilities; and

(B) child and family service agencies; and

(8) maintaining the highest level of professionalism and ethical responsibility.

(b) The term does not include the use of psychotherapy or diagnosis (as defined in IC 25-22.5-1-1.1(c) or as defined as the practice of psychology under IC 25-33-1-2(a)).

(c) For an individual who obtains a license as an addiction counselor by:

(1) holding a valid:

(A) level II or higher certification or the equivalent certification from a credentialing agency approved by the division of mental health and addiction; or

(B) certification as an addiction counselor or addiction therapist from a credentialing agency that is approved by the board;

(2) having at least ten (10) years of experience in addiction counseling;

(3) furnishing satisfactory evidence to the board that the individual does not have:

(A) a conviction for a crime of violence (as defined in ~~IC 35-50-1-2(a)(1) through IC 35-50-1-2(a)(13)),~~ **IC 35-50-1-2);** or

(B) a conviction in the previous two (2) years that has a direct bearing on the individual's ability to practice competently; and

(4) filing an initial application with the board before July 1, 2010; the term includes the provision of addiction counseling services in private practice in consultation with other licensed professionals as required by the client's individualized treatment plan.

SECTION 28. IC 25-23.6-10.5-1, AS ADDED BY P.L.122-2009, SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1. An individual who applies for a license as an addiction counselor must meet the following requirements:

(1) Furnish satisfactory evidence to the board that the individual has:

(A) received a baccalaureate or higher degree in addiction counseling or in a related area as determined by the board from:

(i) an eligible postsecondary educational institution that meets the requirements under section 3(1) of this chapter; or

(ii) a foreign school that has a program of study that meets the requirements under section 3(2) or 3(3) of this chapter;

(B) completed the educational requirements under section 5 of this chapter; and

(C) completed the experience requirements under section 7 of this chapter.

(2) Furnish satisfactory evidence to the board that the individual does not have a:

(A) conviction for a crime of violence (as defined in ~~IC 35-50-1-2(a)(1) through IC 35-50-1-2(a)(13)),~~ **IC 35-50-1-2);** or

(B) conviction in the previous two (2) years that has a direct bearing on the individual's ability to practice competently.

(3) Furnish satisfactory evidence to the board that the individual has not been the subject of a disciplinary action by a licensing or certification agency of another state or jurisdiction on the grounds that the individual was not able to practice as an addiction counselor without endangering the public.

(4) Pass an examination established by the board.

(5) Pay the fee established by the board.

SECTION 29. IC 25-23.6-10.5-1.5, AS AMENDED BY P.L.195-2018, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1.5. (a) An individual who applies for a license as an addiction counselor associate must meet the following requirements:

(1) Furnish satisfactory evidence to the board that the individual has:

(A) received a baccalaureate or higher degree in addiction counseling, or in a related area as determined by the board from:

(i) an eligible postsecondary educational institution that meets the requirement under section 3(1) of this chapter; or

(ii) a foreign school that has a program of study that meets the requirement under section 3(2) or 3(3) of this chapter; and

(B) completed the educational requirements under section 5 of this chapter.

(2) Furnish satisfactory evidence to the board that the individual does not have a:

(A) conviction for a crime of violence (as defined in ~~IC 35-50-1-2(a)(1) through IC 35-50-1-2(a)(19)),~~ **IC 35-50-1-2);** or

(B) conviction in the previous two (2) years that has a direct bearing on the individual's ability to practice competently.

(3) Furnish satisfactory evidence to the board that the individual has not been the subject of a disciplinary action by a licensing or certification agency of another state or jurisdiction on the grounds that the individual was not able to practice as an addiction counselor associate without endangering the public.

(4) Pass an examination established by the board.

(5) Pay the fee established by the board.

(b) The board shall issue an associate temporary permit to practice addiction counseling or clinical addiction counseling to an individual who:

(1) meets the educational requirements for a license as an addiction counselor or clinical addiction counselor;

(2) is pursuing the required clinical supervisory hours for a license as an addiction counselor or clinical addiction counselor; and

(3) pays a fee for the temporary permit set by the board.

An associate temporary permit issued under this subsection expires one (1) year after the date the permit is issued, without regard to the number of times the individual passes or fails the required examination to become a licensed addiction counselor or clinical addiction counselor. The temporary permit may not be renewed.

SECTION 30. IC 25-23.6-10.5-2, AS ADDED BY P.L.122-2009, SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 2. An individual who applies for a license as a clinical addiction counselor must meet the following requirements:

(1) Furnish satisfactory evidence to the board that the individual has:

(A) received a master's or doctor's degree in addiction counseling, addiction therapy, or a related area as determined by the board from an eligible postsecondary educational institution that meets the requirements under section 4(a)(1) of this chapter or from a foreign school that has a program of study that meets the requirements under section 4(a)(2) or 4(a)(3) of this chapter;

(B) completed the educational requirements under section 6 of this chapter; and

(C) completed the experience requirements under section 8 of this chapter.

(2) Furnish satisfactory evidence to the board that the individual does not have a:

(A) conviction for a crime of violence (as defined in ~~IC 35-50-1-2(a)(1) through IC 35-50-1-2(a)(13)),~~ **IC 35-50-1-2);** or

(B) conviction in the previous two (2) years that has a direct bearing on the individual's ability to practice competently.

(3) Furnish satisfactory evidence to the board that the individual has not been the subject of a disciplinary action by a licensing or certification agency of another state or jurisdiction on the grounds

that the individual was not able to practice as a clinical addiction counselor without endangering the public.

(4) Pass an examination established by the board.

(5) Pay the fee established by the board.

SECTION 31. IC 25-23.6-10.5-2.5, AS AMENDED BY P.L.80-2018, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 2.5. An individual who applies for a license as a clinical addiction counselor associate must meet the following requirements:

(1) Furnish satisfactory evidence to the board that the individual has:

(A) received a master's or doctor's degree in addiction counseling, or in a related area as determined by the board from:

(i) an eligible postsecondary educational institution that meets the requirements under section 4(a)(1) of this chapter; or

(ii) a foreign school that has a program of study that meets the requirements under section 4(a)(2) or 4(a)(3) of this chapter; and

(B) completed the education requirements under section 6 of this chapter.

(2) Furnish satisfactory evidence to the board that the individual does not have a:

(A) conviction for a crime of violence (as defined in ~~IC 35-50-1-2(a)(1) through IC 35-50-1-2(a)(19)),~~ **IC 35-50-1-2);** or

(B) conviction in the previous two (2) years that has a direct bearing on the individual's ability to practice competently.

(3) Furnish satisfactory evidence to the board that the individual has not been the subject of a disciplinary action by a licensing or certification agency of another state or jurisdiction on the grounds that the individual was not able to practice as a clinical addiction counselor associate without endangering the public.

(4) Pass an examination established by the board.

(5) Pay the fee established by the board.

SECTION 32. IC 29-1-2-1, AS AMENDED BY P.L.143-2009, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1. (a) The estate of a person dying intestate shall descend and be distributed as provided in this section.

(b) Except as otherwise provided in subsection (c), the surviving spouse shall receive the following share:

(1) One-half (1/2) of the net estate if the intestate is survived by at least one (1) child or by the issue of at least one (1) deceased child.

(2) Three-fourths (3/4) of the net estate, if there is no surviving issue, but the intestate is survived by one (1) or both of the intestate's parents.

(3) All of the net estate, if there is no surviving issue or parent.

(c) If the surviving spouse is a second or other subsequent spouse who did not at any time have children by the decedent, and the decedent left surviving the decedent a child or children or the descendants of a child or children by a previous spouse, the surviving second or subsequent childless spouse shall take only an amount equal to twenty-five percent (25%) of the remainder of:

(1) the fair market value as of the date of death of the real property of the deceased spouse; minus

(2) the value of the liens and encumbrances on the real property of the deceased spouse.

The fee shall, at the decedent's death, vest at once in the decedent's surviving child or children, or the descendants of the decedent's child or children who may be dead. A second or subsequent childless spouse described in this subsection shall, however, receive the same share of the personal property of the decedent as is provided in subsection (b) with respect to surviving spouses generally.

(d) The share of the net estate not distributable to the surviving spouse, or the entire net estate if there is no surviving spouse, shall descend and be distributed as follows:

(1) To the issue of the intestate, if they are all of the same degree of kinship to the intestate, they shall take equally, or if of unequal degree, then those of more remote degrees shall take by representation.

(2) Except as provided in subsection (e), if there is a surviving spouse but no surviving issue of the intestate, then to the surviving parents of the intestate.

(3) Except as provided in subsection (e), if there is no surviving spouse or issue of the intestate, then to the surviving parents, brothers, and sisters, and the issue of deceased brothers and sisters of the intestate. Each living parent of the intestate shall be treated as of the same degree as a brother or sister and shall be entitled to the same share as a brother or sister. However, the share of each parent shall be not less than one-fourth (1/4) of the decedent's net estate. Issue of deceased brothers and sisters shall take by representation.

(4) If there is no surviving parent or brother or sister of the intestate, then to the issue of brothers and sisters. If the distributees described in this subdivision are all in the same degree of kinship to the intestate, they shall take equally or, if of unequal degree, then those of more remote degrees shall take by representation.

(5) If there is no surviving issue or parent of the intestate or issue of a parent, then to the surviving grandparents of the intestate equally.

(6) If there is no surviving issue or parent or issue of a parent, or grandparent of the intestate, then the estate of the decedent shall be divided into that number of shares equal to the sum of:

(A) the number of brothers and sisters of the decedent's parents surviving the decedent; plus

(B) the number of deceased brothers and sisters of the decedent's parents leaving issue surviving both them and the decedent;

and one (1) of the shares shall pass to each of the brothers and sisters of the decedent's parents or their respective issue per stirpes.

(7) If interests in real estate go to a husband and wife under this subsection, the aggregate interests so descending shall be owned by them as tenants by the entireties. Interests in personal property so descending shall be owned as tenants in common.

(8) If there is no person mentioned in subdivisions (1) through (7), then to the state.

(e) A parent may not receive an intestate share of the estate of the parent's minor or adult child if the parent was convicted of causing the death of the child's other parent by:

(1) murder (IC 35-42-1-1);

(2) voluntary manslaughter (IC 35-42-1-3); **or**

(3) another criminal act, if the death does not result from the operation of a vehicle. ~~or~~

~~(4) a crime in any other jurisdiction in which the elements of the crime are substantially similar to the elements of a crime listed in subdivisions (1) through (3).~~

If a parent is disqualified from receiving an intestate share under this subsection, the estate of the deceased child shall be distributed as though the parent had predeceased the child.

SECTION 33. IC 29-3-7-7, AS AMENDED BY P.L.86-2018, SECTION 213, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 7. A court may not appoint a person to serve as the guardian or permit a person to continue to serve as a guardian if the person:

(1) is a sexually violent predator (as described in IC 35-38-1-7.5);

(2) was at least eighteen (18) years of age at the time of the offense and was convicted of child molesting (IC 35-42-4-3) or sexual misconduct with a minor (IC 35-42-4-9) against a child less than sixteen (16) years of age:

(A) by using or threatening the use of deadly force;

(B) while armed with a deadly weapon; or

(C) that resulted in serious bodily injury; or

(3) was less than eighteen (18) years of age at the time of the offense and was convicted as an adult of

~~(A)~~ an offense described in:

~~(i)~~ **(A)** IC 35-42-4-1;

~~(ii)~~ **(B)** IC 35-42-4-2 (before its repeal);

~~(iii)~~ **(C)** IC 35-42-4-3 as a Class A or Class B felony (for crimes committed before July 1, 2014) or as a Level 1, Level 2, Level 3, or Level 4 felony (for crimes committed after June 30, 2014);

~~(iv)~~ **(D)** IC 35-42-4-5(a)(1);

~~(v)~~ **(E)** IC 35-42-4-5(a)(2);

~~(vi)~~ **(F)** IC 35-42-4-5(a)(3) (before that provision was redesignated by P.L.158-2013, SECTION 441);

~~(vii)~~ **(G)** IC 35-42-4-5(b)(1) as a Class A or Class B felony (for crimes committed before July 1, 2014) or as a Level 2, Level 3, or Level 4 felony (for crimes committed after June 30, 2014);

~~(viii)~~ **(H)** IC 35-42-4-5(b)(2); or

~~(ix)~~ **(I)** IC 35-42-4-5(b)(3) as a Class A or Class B felony (for crimes committed before July 1, 2014) or as a Level 2, Level 3, or Level 4 felony (for crimes committed after June 30, 2014).

~~(B) an attempt or conspiracy to commit a crime listed in clause (A); or~~

~~(C) a crime under the laws of another jurisdiction, including a military court, that is substantially equivalent to any of the offenses listed in clauses (A) and (B).~~

SECTION 34. IC 31-9-2-84.8, AS AMENDED BY P.L.243-2019, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 84.8. "Nonwaivable offense", for purposes of this title, means a conviction of any of the following felonies:

(1) Murder (IC 35-42-1-1).

(2) Causing suicide (IC 35-42-1-2).

(3) Assisting suicide (IC 35-42-1-2.5).

(4) Voluntary manslaughter (IC 35-42-1-3).

(5) Involuntary manslaughter (IC 35-42-1-4).

(6) Reckless homicide (IC 35-42-1-5).

(7) Feticide (IC 35-42-1-6).

(8) Battery (IC 35-42-2-1) within the past five (5) years.

(9) Domestic battery (IC 35-42-2-1.3).

(10) Aggravated battery (IC 35-42-2-1.5).

(11) Criminal recklessness (IC 35-42-2-2) within the past five (5) years.

(12) Strangulation (IC 35-42-2-9).

(13) Kidnapping (IC 35-42-3-2).

(14) Criminal confinement (IC 35-42-3-3) within the past five (5) years.
(15) Human and sexual trafficking (IC 35-42-3.5).
(16) A felony sex offense under IC 35-42-4.
(17) Arson (IC 35-43-1-1) within the past five (5) years.
(18) Incest (IC 35-46-1-3).
(19) Neglect of a dependent (IC 35-46-1-4(a) and IC 35-46-1-4(b)).
(20) Child selling (IC 35-46-1-4(d)).
(21) Reckless supervision (IC 35-46-1-4.1).
(22) Nonsupport of a dependent child (IC 35-46-1-5) within the past five (5) years.
(23) Operating a motorboat while intoxicated (IC 35-46-9-6) within the past five (5) years.
(24) A felony involving a weapon under IC 35-47 within the past five (5) years.
(25) A felony relating to controlled substances under IC 35-48-4 within the past five (5) years.
(26) An offense relating to material or a performance that is harmful to minors or obscene under IC 35-49-3.
(27) A felony under IC 9-30-5 within the past five (5) years.
(28) A felony related to the health or safety of a child (as defined in IC 31-9-2-13(h)) or an endangered adult (as defined in IC 12-10-3-2).
~~(29) Attempt (IC 35-41-5-1) to commit a felony described in subdivisions (1) through (28). If a conviction for a felony is nonwaivable for a stated duration under subdivisions (1) through (28), a conviction for an attempt to commit the felony is nonwaivable for the same duration under this subdivision.~~
~~(30) A felony that is substantially equivalent to a felony described in subdivisions (1) through (29) for which the conviction was entered in another jurisdiction. If a conviction for a felony is nonwaivable for a stated duration under subdivisions (1) through (29), a conviction for a substantially equivalent felony in another jurisdiction is nonwaivable for the same duration under this subdivision.~~

SECTION 35. IC 31-19-9-8, AS AMENDED BY P.L.113-2017, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 8. (a) Consent to adoption, which may be required under section 1 of this chapter, is not required from any of the following:

(1) A parent or parents if the child is adjudged to have been abandoned or deserted for at least six (6) months immediately preceding the date of the filing of the petition for adoption.

(2) A parent of a child in the custody of another person if for a period of at least one (1) year the parent:

(A) fails without justifiable cause to communicate significantly with the child when able to do so; or

(B) knowingly fails to provide for the care and support of the child when able to do so as required by law or judicial decree.

(3) The biological father of a child born out of wedlock whose paternity has not been established:

(A) by a court proceeding other than the adoption proceeding; or

(B) by executing a paternity affidavit under IC 16-37-2-2.1.

(4) The biological father of a child born out of wedlock who was conceived as a result of:

(A) a rape for which the father was convicted under IC 35-42-4-1;

(B) child molesting (IC 35-42-4-3);

(C) sexual misconduct with a minor (IC 35-42-4-9); **or**

(D) incest (IC 35-46-1-3). ~~or~~

~~(E) a crime in any other jurisdiction in which the elements of the crime are substantially similar to the elements of a crime listed in clauses (A) through (D).~~

(5) The putative father of a child born out of wedlock if the putative father's consent to adoption is irrevocably implied under section 15 of this chapter.

(6) The biological father of a child born out of wedlock if the:

(A) father's paternity is established after the filing of a petition for adoption in a court proceeding or by executing a paternity affidavit under IC 16-37-2-2.1; and

(B) father is required to but does not register with the putative father registry established by IC 31-19-5 within the period required by IC 31-19-5-12.

(7) A parent who has relinquished the parent's right to consent to adoption as provided in this chapter.

(8) A parent after the parent-child relationship has been terminated under IC 31-35 (or IC 31-6-5 before its repeal).

(9) A parent judicially declared incompetent or mentally defective if the court dispenses with the parent's consent to adoption.

(10) A legal guardian or lawful custodian of the person to be adopted who has failed to consent to the adoption for reasons found by the court not to be in the best interests of the child.

(11) A parent if:

(A) a petitioner for adoption proves by clear and convincing evidence that the parent is unfit to be a parent; and

(B) the best interests of the child sought to be adopted would be served if the court dispensed with the parent's consent.

(12) A child's biological father who denies paternity of the child before or after the birth of the child if the denial of paternity:

(A) is in writing;

(B) is signed by the child's father in the presence of a notary public; and

(C) contains an acknowledgment that:

(i) the denial of paternity is irrevocable; and

(ii) the child's father will not receive notice of adoption proceedings.

A child's father who denies paternity of the child under this subdivision may not challenge or contest the child's adoption.

(b) If a parent has made only token efforts to support or to communicate with the child the court may declare the child abandoned by the parent.

SECTION 36. IC 31-19-9-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 9. A court shall determine that consent to adoption is not required from a parent if the:

(1) parent is convicted of and incarcerated at the time of the filing of a petition for adoption for:

(A) murder (IC 35-42-1-1);

(B) causing suicide (IC 35-42-1-2); **or**

(C) voluntary manslaughter (IC 35-42-1-3);

~~(D) an attempt under IC 35-41-5-1 to commit a crime described in clauses (A) through (C); or~~

~~(E) a crime in another state that is substantially similar to a crime described in clauses (A) through (D);~~

(2) victim of the crime is the child's other parent; and

(3) court determines, after notice to the convicted parent and a hearing, that dispensing with the parent's consent to adoption is in the child's best interests.

SECTION 37. IC 31-19-9-10, AS AMENDED BY P.L.210-2019, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 10. A court shall determine that consent to adoption is not required from a parent if:

(1) the parent is convicted of and incarcerated at the time of the filing of a petition for adoption for:

(A) murder (IC 35-42-1-1);

(B) causing suicide (IC 35-42-1-2);

(C) voluntary manslaughter (IC 35-42-1-3);

(D) rape (IC 35-42-4-1);

(E) criminal deviate conduct (IC 35-42-4-2) (before its repeal);

(F) child molesting (IC 35-42-4-3) as a:

(i) Class A or Class B felony, for a crime committed before July 1, 2014; or

(ii) Level 1, Level 2, Level 3, or Level 4 felony, for a crime committed after June 30, 2014;

(G) incest (IC 35-46-1-3) as a:

(i) Class B felony, for a crime committed before July 1, 2014; or

(ii) Level 4 felony, for a crime committed after June 30, 2014;

(H) neglect of a dependent (IC 35-46-1-4) as a:

(i) Class B felony, for a crime committed before July 1, 2014; or

(ii) Level 1 or Level 3 felony, for a crime committed after June 30, 2014;

(I) battery (IC 35-42-2-1) of a child as a:

(i) Class C felony, for a crime committed before July 1, 2014; or

(ii) Level 5 felony, for a crime committed after June 30, 2014;

(J) battery (IC 35-42-2-1) as a:

(i) Class A or Class B felony, for a crime committed before July 1, 2014; or

(ii) Level 2, Level 3, or Level 4 felony, for a crime committed after June 30, 2014;

(K) domestic battery (IC 35-42-2-1.3) as a Level 5, Level 4, Level 3, or Level 2 felony; **or**

(L) aggravated battery (IC 35-42-2-1.5) as a Level 3 or Level 1 felony;

~~(M) an attempt under IC 35-41-5-1 to commit an offense described in this subdivision; or~~

~~(N) a crime in another state that is substantially similar to a crime described in clauses (A) through (M);~~

(2) the child or the child's sibling, half-blood sibling, or step-sibling of the parent's current marriage is the victim of the offense; and

(3) after notice to the parent and a hearing, the court determines that dispensing with the parent's consent to adoption is in the child's best interests.

SECTION 38. IC 31-19-11-1, AS AMENDED BY P.L.243-2019, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1. (a) Whenever the court has heard the evidence and finds that:

(1) the adoption requested is in the best interest of the child;

(2) the petitioner or petitioners for adoption are of sufficient ability to rear the child and furnish suitable support and education;

(3) the report of the investigation and recommendation under IC 31-19-8-5 has been filed;

(4) the attorney or agency arranging an adoption has filed with the court an affidavit prepared by the state department of health under IC 31-19-5-16 indicating whether a man is entitled to notice of the adoption because the man has registered with the putative father registry in accordance with IC 31-19-5;

(5) proper notice arising under subdivision (4), if notice is necessary, of the adoption has been given;

(6) the attorney or agency has filed with the court an affidavit prepared by the state department of health under:

(A) IC 31-19-6 indicating whether a record of a paternity determination; or

(B) IC 16-37-2-2(g) indicating whether a paternity affidavit executed under IC 16-37-2-2.1;

has been filed in relation to the child;

(7) proper consent, if consent is necessary, to the adoption has been given;

(8) the petitioner for adoption is not prohibited from adopting the child as the result of an inappropriate criminal history described in subsection (c) or (d); and

(9) the person, licensed child placing agency, or local office that has placed the child for adoption has provided the documents and other information required under IC 31-19-17 to the prospective adoptive parents;

the court shall grant the petition for adoption and enter an adoption decree.

(b) A court may not grant an adoption unless the state department of health's affidavit under IC 31-19-5-16 is filed with the court as provided under subsection (a)(4).

(c) A juvenile adjudication for an act listed in IC 31-9-2-84.8 that would be a felony if committed by an adult, a conviction of a misdemeanor related to the health and safety of a child, or a conviction of a felony not listed in IC 31-9-2-84.8 by a petitioner for adoption or household member is a permissible basis for the court to deny the petition for adoption. In addition, the court may not grant an adoption if a petitioner for adoption has been convicted of a nonwaivable offense under IC 31-9-2-84.8. However, the court is not prohibited from granting an adoption based upon a felony conviction for:

(1) a felony under IC 9-30-5;

(2) battery (IC 35-42-2-1);

(3) criminal recklessness (IC 35-42-2-2) as a felony;

(4) criminal confinement (IC 35-42-3-3);

(5) arson (IC 35-43-1-1);

(6) nonsupport of a dependent child (IC 35-46-1-5);

(7) operating a motorboat while intoxicated (IC 35-46-9-6) as a felony;

(8) a felony involving a weapon under IC 35-47; **or**

(9) a felony relating to controlled substances under IC 35-48-4;

~~(10) attempt to commit a felony listed in subdivisions (1) through (9); or~~

~~(11) a felony that is substantially equivalent to a felony listed in this section for which the conviction was entered in another jurisdiction;~~

if the date of the conviction did not occur within the immediately preceding five (5) year period.

(d) A court may not grant an adoption if the petitioner is a sex or violent offender (as defined in IC 11-8-8-5) or a sexually violent predator (as defined in IC 35-38-1-7.5).

SECTION 39. IC 31-30-1-2.5, AS AMENDED BY P.L.86-2018, SECTION 218, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 2.5. A juvenile court may not appoint a person to serve as the guardian or custodian of a child or permit a person to continue to serve as a guardian or custodian of a child if the person:

(1) is a sexually violent predator (as described in IC 35-38-1-7.5);

(2) was at least eighteen (18) years of age at the time of the offense and committed child molesting (IC 35-42-4-3) or sexual misconduct with a minor (IC 35-42-4-9) against a child less than sixteen (16) years of age:

(A) by using or threatening the use of deadly force;

(B) while armed with a deadly weapon; or

(C) that resulted in serious bodily injury; or

(3) was less than eighteen (18) years of age at the time of the offense but was tried and convicted as an adult of

~~(A)~~ an offense described in:

~~(i)~~ **(A)** IC 35-42-4-1;

~~(ii)~~ **(B)** IC 35-42-4-2 (before its repeal);

~~(iii)~~ **(C)** IC 35-42-4-3 as a Class A or Class B felony (for crimes committed before July 1, 2014) or as a Level 1, Level

2, or Level 3 felony (for crimes committed after June 30, 2014);

~~(iv)~~ **(D)** IC 35-42-4-5(a)(1);

~~(v)~~ **(E)** IC 35-42-4-5(a)(2);

~~(vi)~~ **(F)** IC 35-42-4-5(a)(3) (before that provision was redesignated by P.L.158-2013, SECTION 441);

~~(vii)~~ **(G)** IC 35-42-4-5(b)(1) as a Class A or Class B felony (for crimes committed before July 1, 2014) or as a Level 2, Level 3, or Level 4 felony (for crimes committed after June 30, 2014);

~~(viii)~~ **(H)** IC 35-42-4-5(b)(2); or

~~(ix)~~ **(I)** IC 35-42-4-5(b)(3) as a Class A or Class B felony (for crimes committed before July 1, 2014) or as a Level 1, Level 2, or Level 3 felony (for crimes committed after June 30, 2014).

~~(B) an attempt or conspiracy to commit a crime listed in clause (A); or~~

~~(C) a crime under the laws of another jurisdiction, including a military court, that is substantially equivalent to any of the offenses listed in clauses (A) and (B).~~

SECTION 40. IC 31-34-1-2, AS AMENDED BY P.L.71-2018, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 2. (a) A child is a child in need of services if before the child becomes eighteen (18) years of age:

(1) the child's physical or mental health is seriously endangered due to injury by the act or omission of the child's parent, guardian, or custodian; and

(2) the child needs care, treatment, or rehabilitation that:

(A) the child is not receiving; and

(B) is unlikely to be provided or accepted without the coercive intervention of the court.

(b) A child is a child in need of services if, before the child becomes eighteen (18) years of age, the child:

(1) is a victim of:

(A) an offense under IC 35-42-1-2.5;

(B) an offense under IC 35-42-2-1;

(C) an offense under IC 35-42-2-1.3;

(D) an offense under IC 35-42-2-1.5;

(E) an offense under IC 35-42-2-9; **or**

(F) an offense under IC 35-46-1-4; **and**

~~(G) an attempt or conspiracy to commit:~~

~~(i) an offense listed in clauses (A) through (F); or~~

~~(ii) an offense under IC 35-42-1-1, IC 35-42-1-2, IC 35-42-1-3, IC 35-42-1-4, or IC 35-42-1-5; or~~

~~(H) an offense under the law of another jurisdiction, including a military court, that is substantially equivalent to any of the offenses listed in clauses (A) through (G); and~~

(2) needs care, treatment, or rehabilitation that:

(A) the child is not receiving; and

(B) is unlikely to be provided or accepted without the coercive intervention of the court.

(c) A child is a child in need of services if, before the child becomes eighteen (18) years of age, the child:

(1) lives in the same household as an adult who:

(A) committed:

(i) an offense described in subsection (b)(1); or

(ii) an offense under IC 35-42-1-1, IC 35-42-1-2, IC 35-42-1-3, IC 35-42-1-4, or IC 35-42-1-5;

against another child who lives in the household and the offense resulted in a conviction or a judgment under IC 31-34-11-2; or

(B) has been charged with committing an offense described in clause (A) against another child who lives in the household and is awaiting trial; and

(2) needs care, treatment, or rehabilitation that:

(A) the child is not receiving; and

(B) is unlikely to be provided or accepted without the coercive intervention of the court.

(d) Evidence that the illegal manufacture of a drug or controlled substance is occurring on property where a child resides creates a rebuttable presumption that the child's physical or mental health is seriously endangered.

SECTION 41. IC 31-34-1-3, AS AMENDED BY P.L.144-2018, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

JULY 1, 2020]: Sec. 3. (a) A child is a child in need of services if, before the child becomes eighteen (18) years of age:

(1) the child is the victim of an offense under:

(A) IC 35-42-4-1;

(B) IC 35-42-4-2 (before its repeal);

(C) IC 35-42-4-3;

(D) IC 35-42-4-4;

(E) IC 35-42-4-5;

(F) IC 35-42-4-6;

(G) IC 35-42-4-7;

(H) IC 35-42-4-8;

(I) IC 35-42-4-9;

(J) IC 35-45-4-1;

(K) IC 35-45-4-2;

(L) IC 35-45-4-3;

(M) IC 35-45-4-4; **or**

(N) IC 35-46-1-3; ~~or~~

~~(O) the law of another jurisdiction, including a military court, that is substantially equivalent to any of the offenses listed in clauses (A) through (N);~~ and

(2) the child needs care, treatment, or rehabilitation that:

(A) the child is not receiving; and

(B) is unlikely to be provided or accepted without the coercive intervention of the court.

(b) A child is a child in need of services if, before the child becomes eighteen (18) years of age, the child:

(1) lives in the same household as an adult who:

(A) committed an offense described in subsection (a)(1) against a child and the offense resulted in a conviction or a judgment under IC 31-34-11-2; or

(B) has been charged with an offense described in subsection (a)(1) against a child and is awaiting trial; and

(2) needs care, treatment, or rehabilitation that:

(A) the child is not receiving; and

(B) is unlikely to be provided or accepted without the coercive intervention of the court.

(c) A child is a child in need of services if, before the child becomes eighteen (18) years of age:

(1) the child lives in the same household as another child who is the victim of an offense described in subsection (a)(1);

(2) the child needs care, treatment, or rehabilitation that:

(A) the child is not receiving; and

(B) is unlikely to be provided or accepted without the coercive intervention of the court; and

(3) a caseworker assigned to provide services to the child:

(A) places the child in a program of informal adjustment or other family or rehabilitative services based on the existence of the circumstances described in subdivisions (1) and (2), and the caseworker subsequently determines further intervention is necessary; or

(B) determines that a program of informal adjustment or other family or rehabilitative services is inappropriate.

(d) A child is a child in need of services if, before the child becomes eighteen (18) years of age:

(1) the child lives in the same household as an adult who:

(A) committed a human or sexual trafficking offense under IC 35-42-3.5-1 through IC 35-42-3.5-1.4 or the law of another jurisdiction, including federal law, that resulted in a conviction or a judgment under IC 31-34-11-2; or

(B) has been charged with a human or sexual trafficking offense under IC 35-42-3.5-1 through IC 35-42-3.5-1.4 or the law of another jurisdiction, including federal law, and is awaiting trial; and

(2) the child needs care, treatment, or rehabilitation that:

(A) the child is not receiving; and

(B) is unlikely to be provided or accepted without the coercive intervention of the court.

SECTION 42. IC 31-34-1-3.5, AS ADDED BY P.L.46-2016, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 3.5. (a) A child is a child in need of services if, before the child becomes eighteen (18) years of age:

(1) the child is the victim of

~~(A)~~ human or sexual trafficking (as defined in IC 31-9-2-133.1); ~~or~~

~~(B) a human or sexual trafficking offense under the law of another jurisdiction, including federal law, that is substantially equivalent to the act described in clause (A);~~ and

(2) the child needs care, treatment, or rehabilitation that:

(A) the child is not receiving; and

(B) is unlikely to be provided or accepted without the coercive intervention of the court.

(b) A child is considered a victim of human or sexual trafficking regardless of whether the child consented to the conduct described in subsection (a)(1).

SECTION 43. IC 31-34-4-2, AS AMENDED BY P.L.243-2019, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 2. (a) If a child alleged to be a child in need of services is taken into custody under an order of the court under this chapter and the court orders out-of-home placement, the department is responsible for that placement and care and must consider placing the child with a:

(1) suitable and willing relative; or

(2) de facto custodian;

before considering any other out-of-home placement.

(b) The department shall consider placing a child described in subsection (a) with a relative related by blood, marriage, or adoption before considering any other placement of the child.

(c) Before the department places a child in need of services with a relative or a de facto custodian, the department shall complete an evaluation based on a home visit of the relative's home.

(d) Except as provided in subsection (f), before placing a child in need of services in an out-of-home placement, the department shall conduct a criminal history check of each person who is currently residing in the location designated as the out-of-home placement.

(e) Except as provided in subsection (g), the department may not make an out-of-home placement if a person described in subsection (d) has:

(1) committed an act resulting in a substantiated report of child abuse or neglect; or

(2) been convicted of a nonwaivable offense, as defined in IC 31-9-2-84.8 or had a juvenile adjudication for an act that would be a nonwaivable offense, as defined in IC 31-9-2-84.8 if committed by an adult.

(f) The department is not required to conduct a criminal history check under subsection (d) if the department makes an out-of-home placement to an entity or a facility that is not a residence (as defined in IC 3-5-2-42.5) or that is licensed by the state.

(g) A court may order or the department may approve an out-of-home placement if:

(1) a person described in subsection (d) has:

(A) committed an act resulting in a substantiated report of child abuse or neglect;

(B) been convicted of:

(i) battery (IC 35-42-2-1);

(ii) criminal recklessness (IC 35-42-2-2) as a felony;

(iii) criminal confinement (IC 35-42-3-3) as a felony;

(iv) arson (IC 35-43-1-1) as a felony;

(v) nonsupport of a dependent child (IC 35-46-1-5);

(vi) operating a motorboat while intoxicated (IC 35-46-9-6) as a felony;

(vii) a felony involving a weapon under IC 35-47;

(viii) a felony relating to controlled substances under IC 35-48-4; **or**

(ix) a felony under IC 9-30-5;

~~(x) attempt to commit a felony listed in items (i) through (ix); or~~

~~(xi) a felony that is substantially equivalent to a felony listed in this clause for which the conviction was entered in another jurisdiction;~~

if the conviction did not occur within the past five (5) years; or

(C) had a juvenile adjudication for a nonwaivable offense, as defined in IC 31-9-2-84.8 that, if committed by an adult, would be a felony; and

(2) the person's commission of the offense, delinquent act, or act of abuse or neglect described in subdivision (1) is not relevant to

the person's present ability to care for a child, and the placement is in the best interest of the child.

However, a court or the department may not make an out-of-home placement if the person has been convicted of a nonwaivable offense, as defined in IC 31-9-2-84.8 that is not specifically excluded under subdivision (1)(B).

(h) In considering the placement under subsection (g), the court or the department shall consider the following:

(1) The length of time since the person committed the offense, delinquent act, or abuse or neglect.

(2) The severity of the offense, delinquent act, or abuse or neglect.

(3) Evidence of the person's rehabilitation, including the person's cooperation with a treatment plan, if applicable.

SECTION 44. IC 31-34-20-1.5, AS AMENDED BY P.L.243-2019, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1.5. (a) Except as provided in subsection (d), the juvenile court may not enter a dispositional decree approving or ordering placement of a child in another home under section 1(a)(3) of this chapter or awarding wardship to the department that will place the child in another home under section 1(a)(4) of this chapter if a person who is currently residing in the home in which the child would be placed under section 1(a)(3) or 1(a)(4) of this chapter has committed an act resulting in a substantiated report of child abuse or neglect, has a juvenile adjudication for an act that would be a nonwaivable offense, as defined in IC 31-9-2-84.8 if committed by an adult, or has a conviction for a nonwaivable offense, as defined in IC 31-9-2-84.8.

(b) The department or caseworker who prepared the predispositional report shall conduct a criminal history check (as defined in IC 31-9-2-22.5) to determine if a person described in subsection (a) has committed an act resulting in a substantiated report of child abuse or neglect, has a juvenile adjudication for an act that would be a nonwaivable offense, as defined in IC 31-9-2-84.8 if committed by an adult, or has a conviction for a nonwaivable offense, as defined in IC 31-9-2-84.8. However, the department or caseworker is not required to conduct a criminal history check under this section if criminal history information under IC 31-34-4-2 or IC 31-34-18-6.1 establishes whether

a person described in subsection (a) has committed an act resulting in a substantiated report of child abuse or neglect, has a juvenile adjudication for an act that would be a nonwaivable offense, as defined in IC 31-9-2-84.8 if committed by an adult, or has a conviction for a nonwaivable offense, as defined in IC 31-9-2-84.8.

(c) The department or caseworker is not required to conduct a criminal history check under this section if:

(1) the department or caseworker is considering only an out-of-home placement to an entity or a facility that:

(A) is not a residence (as defined in IC 3-5-2-42.5); or

(B) is licensed by the state; or

(2) placement under this section is undetermined at the time the predispositional report is prepared.

(d) A juvenile court may enter a dispositional decree that approves placement of a child in another home or award wardship to the department that will place the child in a home with a person described in subsection (a) if:

(1) the person described in subsection (a) has:

(A) committed an act resulting in a substantiated report of child abuse or neglect;

(B) been convicted of:

(i) battery (IC 35-42-2-1);

(ii) criminal recklessness (IC 35-42-2-2) as a felony;

(iii) criminal confinement (IC 35-42-3-3) as a felony;

(iv) arson (IC 35-43-1-1) as a felony;

(v) nonsupport of a dependent child (IC 35-46-1-5);

(vi) operating a motorboat while intoxicated (IC 35-46-9-6) as a felony;

(vii) a felony involving a weapon under IC 35-47;

(viii) a felony relating to controlled substances under IC 35-48-4; **or**

(ix) a felony under IC 9-30-5;

~~(x) attempt to commit a felony listed in items (i) through (ix); or~~

~~(xi) a felony that is substantially equivalent to a felony listed in this clause for which the conviction was entered in another jurisdiction;~~

if the conviction did not occur within the past five (5) years; or (C) had a juvenile adjudication for a nonwaivable offense, as defined in IC 31-9-2-84.8 that, if committed by an adult, would be a felony; and

(2) the person's commission of the offense, delinquent act, or act of abuse or neglect described in subdivision (1) is not relevant to the person's present ability to care for a child, and placing a child in another home or awarding wardship to the department is in the best interest of the child.

However, a court may not enter a dispositional decree that approves placement of a child in another home or awards wardship to the department if the person has been convicted of a nonwaivable offense, as defined in IC 31-9-2-84.8 that is not specifically excluded under subdivision (1)(B).

(e) In considering the placement under subsection (d), the court shall consider the following:

(1) The length of time since the person committed the offense, delinquent act, or act that resulted in the substantiated report of abuse or neglect.

(2) The severity of the offense, delinquent act, or abuse or neglect.

(3) Evidence of the person's rehabilitation, including the person's cooperation with a treatment plan, if applicable.

SECTION 45. IC 31-34-21-7.5, AS AMENDED BY THE TECHNICAL CORRECTIONS BILL OF THE 2020 GENERAL ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 7.5. (a) Except as provided in subsection (d), the juvenile court may not approve a permanency plan under subsection ~~(c)(1)(D),~~ **(c)(1)(C),** ~~(c)(1)(E),~~ **(c)(1)(D),** or ~~(c)(1)(F)~~ **(c)(1)(E)** if a person who is currently residing with a person described in subsection ~~(c)(1)(D)~~ **(c)(1)(C)** or ~~(c)(1)(E)~~ **(c)(1)(D)** or in a residence in which the child would be placed under subsection ~~(c)(1)(F)~~ **(c)(1)(E)** has committed an act resulting in a substantiated report of child abuse or neglect, has a juvenile adjudication for an act that would be a nonwaivable offense, as defined in IC 31-9-2-84.8 if committed by an adult, or has a conviction for a nonwaivable offense, as defined in IC 31-9-2-84.8.

(b) Before requesting juvenile court approval of a permanency plan, the department shall conduct a criminal history check (as defined in IC 31-9-2-22.5) to determine if a person described in subsection (a) has committed an act resulting in a substantiated report of child abuse or neglect, has a juvenile adjudication for an act that would be a nonwaivable offense, as defined in IC 31-9-2-84.8 if committed by an adult, or has a conviction for a nonwaivable offense, as defined in IC 31-9-2-84.8. However, the department is not required to conduct a criminal history check under this section if criminal history information under IC 31-34-4-2, IC 31-34-18-6.1, or IC 31-34-20-1.5 establishes whether a person described in subsection (a) has committed an act resulting in a substantiated report of child abuse or neglect, has a juvenile adjudication for an act that would be a nonwaivable offense, as defined in IC 31-9-2-84.8 if committed by an adult, or has a conviction for a nonwaivable offense, as defined in IC 31-9-2-84.8.

(c) A permanency plan, or plans, if concurrent planning, under this chapter includes the following:

(1) The intended permanent or long term arrangements for care and custody of the child that may include any one (1), or two (2), if concurrent planning, of the following arrangements that the department or the court considers most appropriate and consistent with the best interests of the child:

(A) Return to or continuation of existing custodial care within the home of the child's parent, guardian, or custodian or placement of the child with the child's noncustodial parent.

(B) Placement of the child for adoption.

(C) Placement of the child with a responsible person, including:

(i) an adult sibling;

(ii) a grandparent;

(iii) an aunt;

(iv) an uncle;

(v) a custodial parent of a sibling of the child; or

(vi) another relative;

who is able and willing to act as the child's permanent custodian and carry out the responsibilities required by the permanency plan.

(D) Appointment of a legal guardian. The legal guardian appointed under this section is a caretaker in a judicially created relationship between the child and caretaker that is intended to be permanent and self-sustaining as evidenced by the transfer to the caretaker of the following parental rights with respect to the child:

(i) Care, custody, and control of the child.

(ii) Decision making concerning the child's upbringing.

(E) A supervised independent living arrangement or foster care for the child with a permanency plan of another planned, permanent living arrangement. However, a child less than sixteen (16) years of age may not have another planned, permanent living arrangement as the child's permanency plan.

(2) A time schedule for implementing the applicable provisions of the permanency plan.

(3) Provisions for temporary or interim arrangements for care and custody of the child, pending completion of implementation of the permanency plan.

(4) Other items required to be included in a case plan under IC 31-34-15 or federal law, consistent with the permanent or long term arrangements described by the permanency plan.

(d) A juvenile court may approve a permanency plan if:

(1) a person described in subsection (a) has:

(A) committed an act resulting in a substantiated report of child abuse or neglect;

(B) been convicted of:

(i) battery (IC 35-42-2-1);

(ii) criminal recklessness (IC 35-42-2-2) as a felony;

(iii) criminal confinement (IC 35-42-3-3) as a felony;

(iv) arson (IC 35-43-1-1) as a felony;

(v) nonsupport of a dependent child (IC 35-46-1-5);

(vi) operating a motorboat while intoxicated (IC 35-46-9-6) as a felony;

(vii) a felony involving a weapon under IC 35-47;

(viii) a felony relating to controlled substances under IC 35-48-4; **or**

(ix) a felony under IC 9-30-5;

~~(x) attempt to commit a felony listed in items (i) through (ix); or~~

~~(xi) a felony that is substantially equivalent to a felony listed in this clause for which the conviction was entered in another jurisdiction;~~

if the conviction did not occur within the past five (5) years; or

(C) had a juvenile adjudication for a nonwaivable offense, as defined in IC 31-9-2-84.8 that, if committed by an adult, would be a felony; and

(2) the person's commission of the offense, delinquent act, or act of abuse or neglect described in subdivision (1) is not relevant to the person's present ability to care for a child, and that approval of the permanency plan is in the best interest of the child.

However, a court may not approve a permanency plan if the person has been convicted of a nonwaivable offense, as defined in IC 31-9-2-84.8 that is not specifically excluded under subdivision (1)(B), or has a juvenile adjudication for an act that would be a nonwaivable offense, as defined in IC 31-9-2-84.8 if committed by an adult that is not specifically excluded under subdivision (1)(B).

(e) In making its written finding under subsection (d), the court shall consider the following:

(1) The length of time since the person committed the offense, delinquent act, or act that resulted in the substantiated report of abuse or neglect.

(2) The severity of the offense, delinquent act, or abuse or neglect.

(3) Evidence of the person's rehabilitation, including the person's cooperation with a treatment plan, if applicable.

SECTION 46. IC 31-37-13-5, AS AMENDED BY P.L.168-2014, SECTION 45, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 5. **(a)** If a finding of delinquency is based on a delinquent act that would be a felony if committed by an adult, the juvenile court shall state in the findings the following:

(1) The specific statute that was violated.

(2) The class or level of the felony had the violation been committed by an adult.

(b) If a finding of delinquency is based on a delinquent act that would be a serious violent felony (as defined in IC 35-47-4-5) if

committed by an adult, the juvenile court shall, notwithstanding IC 31-39-1, transmit the finding to the office of judicial administration for transmission to NICS (as defined in IC 35-47-2.5-2.5) in accordance with IC 33-24-6-3.

SECTION 47. IC 31-37-19-6.5, AS AMENDED BY P.L.243-2019, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 6.5. (a) Except as provided in subsection (d), the juvenile court may not enter a dispositional decree approving placement of a child in another home under section 1(a)(3) or 6(b)(2)(D) of this chapter or awarding wardship to a person or facility that results in a placement with a person under section 1(a)(4) or 6(b)(2)(E) of this chapter if a person who is currently residing in the home in which the child would be placed under section 1(a)(3), 1(a)(4), 6(b)(2)(D), or 6(b)(2)(E) of this chapter has committed an act resulting in a substantiated report of child abuse or neglect, has a juvenile adjudication for an act that would be a nonwaivable offense, as defined in IC 31-9-2-84.8 if committed by an adult, or has a conviction for a nonwaivable offense, as defined in IC 31-9-2-84.8.

(b) The juvenile probation officer who prepared the predispositional report shall conduct a criminal history check (as defined in IC 31-9-2-22.5) to determine if a person described in subsection (a) has committed an act resulting in a substantiated report of child abuse or neglect, has a juvenile adjudication for an act that would be a nonwaivable offense, as defined in IC 31-9-2-84.8 if committed by an adult, or has a conviction for a nonwaivable offense, as defined in IC 31-9-2-84.8. However, the probation officer is not required to conduct a criminal history check under this section if criminal history information obtained under IC 31-37-17-6.1 establishes whether a person described in subsection (a) has committed an act resulting in a substantiated report of child abuse or neglect, has a juvenile adjudication for an act that would be a nonwaivable offense, as defined in IC 31-9-2-84.8 if committed by an adult, or has a conviction for a nonwaivable offense, as defined in IC 31-9-2-84.8.

(c) The juvenile probation officer is not required to conduct a criminal history check under this section if:

(1) the probation officer is considering only an out-of-home placement to an entity or a facility that:

(A) is not a residence (as defined in IC 3-5-2-42.5); or

(B) is licensed by the state; or

(2) placement under this section is undetermined at the time the predispositional report is prepared.

(d) The juvenile court may enter a dispositional decree approving placement of a child in another home under section 1(a)(3) or 6(b)(2)(D) of this chapter or awarding wardship to a person or facility that results in a placement with a person under section 1(a)(4) or 6(b)(2)(E) of this chapter if:

(1) a person described in subsection (a) has:

(A) committed an act resulting in a substantiated report of child abuse or neglect;

(B) been convicted of:

(i) a felony under IC 9-30-5;

(ii) battery (IC 35-42-2-1);

(iii) criminal recklessness (IC 35-42-2-2) as a felony;

(iv) criminal confinement (IC 35-42-3-3) as a felony;

(v) arson (IC 35-43-1-1) as a felony;

(vi) nonsupport of a dependent child (IC 35-46-1-5);

(vii) operating a motorboat while intoxicated (IC 35-46-9-6) as a felony;

(viii) a felony involving a weapon under IC 35-47; **or**

(ix) a felony relating to controlled substances under IC 35-48-4;

~~(x) attempt to commit a felony listed in items (i) through (ix); or~~

~~(xi) a felony that is substantially equivalent to a felony listed in this clause for which the conviction was entered in another jurisdiction;~~

if the conviction did not occur within the past five (5) years; or

(C) had a juvenile adjudication for a nonwaivable offense, as defined in IC 31-9-2-84.8 that, if committed by an adult, would be a felony; and

(2) the person's commission of the offense, delinquent act, or act of abuse or neglect described in subdivision (1) is not relevant to the person's present ability to care for a child, and placing the child in another home is in the best interest of the child.

However, a court may not enter a dispositional decree placing a child in another home under section 1(a)(3) or 6(b)(2)(D) of this chapter or awarding wardship to a person or facility under this subsection if a person with whom the child is or will be placed has been convicted of a nonwaivable offense, as defined in IC 31-9-2-84.8 that is not specifically excluded under subdivision (1)(B).

(e) In considering the placement under subsection (d), the court shall consider the following:

(1) The length of time since the person committed the offense, delinquent act, or act that resulted in the substantiated report of abuse or neglect.

(2) The severity of the offense, delinquent act, or abuse or neglect.

(3) Evidence of the person's rehabilitation, including the person's cooperation with a treatment plan, if applicable.

SECTION 48. IC 31-37-22-11, AS ADDED BY P.L.86-2017, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 11. (a) As used in this section, "trafficked child" means a child who was the victim of human trafficking (IC 35-42-3.5), ~~or a substantially similar human trafficking offense committed in another jurisdiction,~~ regardless of whether the person who committed the human trafficking offense was charged, tried, or convicted. The term includes a person who is now an adult.

(b) Upon the written motion of a trafficked child, or any person acting on behalf of a trafficked child, the court that adjudicated the trafficked child a delinquent child shall vacate the adjudication issued with respect to the trafficked child, if the movant proves by a preponderance of the evidence that:

(1) the child was a trafficked child at the time the child performed the delinquent act that resulted in the adjudication;

(2) the delinquent act did not result in bodily injury to another person; and

(3) at the time the child committed the delinquent act, the child was:

(A) coerced by; or

(B) under the control of;

another person.

(c) Before vacating an adjudication under subsection (b), the court shall:

(1) forward a copy of the motion to the prosecuting attorney; and

(2) conduct a hearing at which the prosecuting attorney and the movant are entitled to be heard.

SECTION 49. IC 31-39-8-3, AS AMENDED BY P.L.86-2017, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 3. (a) A person may initiate a petition for the expungement of records of a child alleged to be a delinquent child or a child in need of services by filing a verified petition in the juvenile court in the county of the original action. The petition must set forth the following:

(1) The allegations and date of adjudication, if applicable, of the juvenile delinquency or child in need of services adjudications.

(2) The court in which juvenile delinquency or child in need of services allegations or petitions were filed.

(3) The law enforcement agency that employs the charging officer, if known.

(4) The case number or court cause number.

(5) Date of birth of the petitioner.

(6) Petitioner's Social Security number.

(7) All juvenile delinquency or child in need of services adjudications and criminal convictions occurring after the adjudication of the action sought to be expunged.

(8) All pending actions under IC 31-34 or IC 31-37 or criminal charges.

(b) A petition described in subsection (a) shall be served on:

(1) the prosecuting attorney; or

(2) in the case of a child in need of services case, the department of child services.

(c) The prosecuting attorney or department of child services has thirty (30) days in which to reply or otherwise object to the petition. The court may reduce the time in which a response must be filed for a show of good cause or within its discretion after a hearing is held.

(d) If the prosecuting attorney or department of child services timely files an objection to the petition, the matter shall be set for a hearing. If

no objection is filed, the court may set the petition for a hearing or rule on the petition without a hearing.

(e) In considering whether to grant the petition, the juvenile court may review:

(1) the best interests of the child;

(2) the age of the person during the person's contact with the juvenile court or law enforcement agency;

(3) the nature of any allegations;

(4) whether there was an informal adjustment or an adjudication;

(5) the disposition of the case;

(6) the manner in which the person participated in any court ordered or supervised services;

(7) the time during which the person has been without contact with the juvenile court or with any law enforcement agency;

(8) whether the person acquired a criminal record; ~~and~~

(9) the person's current status;

(10) whether the person has been:

(A) charged with; or

(B) convicted of;

murder or another felony offense as an adult;

(11) whether the person was waived to an adult criminal court for a reason described in IC 31-30-3;

(12) whether an adult sentence for the person was not suspended for a reason described in IC 35-50-2-2.1; and

(13) whether:

(A) the person has been adjudicated a delinquent child for committing an act that would be a serious violent felony (as defined in IC 35-47-4-5) if committed by an adult; and

(B) the:

(i) person is currently suffering from a mental health issue;

(ii) mental health issue described in item (i) is chronic or ongoing;

(iii) person has received, or is receiving, treatment for a current or chronic mental health issue; or

(iv) person is compliant with a treatment regimen recommended by a mental health professional, if applicable.

SECTION 50. IC 32-30-8-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1. As used in this chapter, "nuisance" means

~~(1)~~ the use of a property to commit an act constituting an offense under IC 35-48-4. ~~or~~

~~(2) an attempt to commit or a conspiracy to commit an act described in subdivision (1).~~

SECTION 51. IC 33-23-6-2, AS AMENDED BY P.L.55-2005, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 2. (a) In each county participating in the program under this chapter, there is established an alternative dispute resolution fund for each of the following:

(1) The circuit court.

(2) The superior court.

(3) The probate court established by IC 33-31-1.

(b) Notwithstanding subsection (a), if more than one (1) court exercises jurisdiction over domestic relations and paternity cases in a county, one (1) alternative dispute resolution fund may be established to be used by all the courts to implement this chapter if:

(1) the:

(A) county auditor; and

(B) judge of each court that exercises jurisdiction over domestic relations and paternity cases in the county;

agree to establish one (1) fund; and

(2) the agreement to establish the fund is included in the plan adopted by the county under section 3 of this chapter.

(c) The sources of money for each fund established under subsection (a) or (b) are:

(1) the alternative dispute resolution fee collected under section 1 of this chapter for the circuit court, superior court, or probate court, respectively; and

(2) copayments collected under subsection (d) if:

(A) a county chooses to deposit the copayments into the fund; and

(B) the county specifies in the plan adopted by the county under section 3 of this chapter that the copayments will be deposited in the fund.

(d) The funds shall be used to foster domestic relations alternative dispute resolution, including:

(1) mediation;

(2) reconciliation;

(3) nonbinding arbitration; and

(4) parental counseling.

Litigants referred by the court to services covered by the fund shall make a copayment for the services in an amount determined by the court based on the litigants' ability to pay. The fund shall be administered by the circuit, superior, or probate court that exercises jurisdiction over domestic relations and paternity cases in the county. A fund used by multiple courts under subsection (b) shall be administered jointly by all the courts using the fund. Money in each fund at the end of a fiscal year does not revert to the county general fund but remains in the fund for the uses specified in this section.

(e) Each circuit, superior, or probate court that administers an alternative dispute resolution fund shall ensure that money in the fund is disbursed in a manner that primarily benefits those litigants who have the least ability to pay, in accordance with the plan adopted by the county under section 3 of this chapter.

(f) A court may not order parties into mediation or refer parties to mediation if a party is currently charged with or has been convicted of a crime

~~(1)~~ under IC 35-42. ~~or~~

~~(2) in another jurisdiction that is substantially similar to the elements of a crime described in IC 35-42.~~

SECTION 52. IC 33-23-8-4, AS AMENDED BY P.L.181-2005, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 4. If a practitioner is convicted under IC 35-43-5-4.5 of

~~(1)~~ insurance fraud,

~~(2) an attempt to commit insurance fraud; or~~

~~(3) conspiracy to commit insurance fraud;~~

the sentencing court shall provide notice of the conviction to each governmental body that has issued a license to the practitioner.

SECTION 53. IC 33-24-6-3, AS AMENDED BY HEA 1313-2020, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 3. (a) The office of judicial administration shall do the following:

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

(2) Collect and compile statistical data and other information on the judicial work of the courts in Indiana. All justices of the supreme court, judges of the court of appeals, judges of all trial courts, and any city or town courts, whether having general or special jurisdiction, court clerks, court reporters, and other officers and employees of the courts shall, upon notice by the chief administrative officer and in compliance with procedures prescribed by the chief administrative officer, furnish the chief administrative officer the information as is requested concerning the nature and volume of judicial business. The information must include the following:

(A) The volume, condition, and type of business conducted by the courts.

(B) The methods of procedure in the courts.

(C) The work accomplished by the courts.

(D) The receipt and expenditure of public money by and for the operation of the courts.

(E) The methods of disposition or termination of cases.

(3) Prepare and publish reports, not less than one (1) or more than two (2) times per year, on the nature and volume of judicial work performed by the courts as determined by the information required in subdivision (2).

(4) Serve the judicial nominating commission and the judicial qualifications commission in the performance by the commissions of their statutory and constitutional functions.

(5) Administer the civil legal aid fund as required by IC 33-24-12.

(6) Administer the court technology fund established by section 12 of this chapter.

(7) By December 31, 2013, develop and implement a standard protocol for sending and receiving court data:

(A) between the protective order registry, established by IC 5-2-9-5.5, and county court case management systems;

(B) at the option of the county prosecuting attorney, for:

(i) a prosecuting attorney's case management system;

(ii) a county court case management system; and

(iii) a county court case management system developed and operated by the office of judicial administration;

to interface with the electronic traffic tickets, as defined by IC 9-30-3-2.5; and

(C) between county court case management systems and the case management system developed and operated by the office of judicial administration.

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

(8) Establish and administer an electronic system for receiving information that relates to certain individuals who may be prohibited from possessing a firearm ~~and~~ **for the purpose of:**

(A) transmitting this information to the Federal Bureau of Investigation for inclusion in the NICS; **and**

(B) beginning July 1, 2021, compiling and publishing certain statistics related to the confiscation and retention of firearms as described under section 14 of this chapter.

(9) Establish and administer an electronic system for receiving drug related felony conviction information from courts. The office of judicial administration shall notify NPLEx of each drug related felony entered after June 30, 2012, and do the following:

(A) Provide NPLEx with the following information:

(i) The convicted individual's full name.

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

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

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

Upon receipt of the information from the office of judicial administration, a stop sale alert must be generated through NPLEx for each individual reported under this clause.

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

(i) set aside;

(ii) reversed;

(iii) expunged; or

(iv) vacated.

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

(10) After July 1, 2018, establish and administer an electronic system for receiving from courts felony conviction information for each felony described in IC 20-28-5-8(c). The office of judicial administration shall notify the department of education at least one (1) time each week of each felony described in IC 20-28-5-8(c) entered after July 1, 2018, and do the following:

(A) Provide the department of education with the following information:

(i) The convicted individual's full name.

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

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

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

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

(i) set aside;

(ii) reversed; or

(iii) vacated.

(11) Perform legal and administrative duties for the justices as determined by the justices.

(12) Provide staff support for the judicial conference of Indiana established in IC 33-38-9.

(13) Work with the United States Department of Veterans Affairs to identify and address the needs of veterans in the court system.

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

(c) The office of judicial administration may adopt rules to implement this section.

SECTION 54. IC 33-24-6-14 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 14. (a) The following definitions apply throughout this section:**

(1) "Dangerous" has the meaning set forth in IC 35-47-14-1.

(2) "Firearm" has the meaning set forth in IC 35-47-1-5.

(3) "Office" means the office of judicial administration created by section 1 of this chapter.

(b) Beginning July 1, 2021, the office shall collect and record the following information:

(1) The law enforcement agency responsible for each confiscation of a firearm under IC 35-47-14-2 and IC 35-47-14-3.

(2) The number of:

(A) warrant based firearm confiscations under IC 35-47-14-2; and

(B) warrantless firearm confiscations under IC 35-47-14-3;

for each county, as applicable, each year.

(3) The total number of:

(A) handguns; and

(B) long guns;

confiscated under IC 35-47-14 for each county, as applicable, each year.

(4) The county in which a court issues an order that finds or does not find an individual to be dangerous under IC 35-47-14-6.

(c) The office shall, beginning July 1, 2021, not later than January 1 of each year, submit a report to the legislative council in

an electronic format under IC 5-14-6 that consolidates and presents the information described in subsection (b).

(d) Notwithstanding subsections (b) and (c) and information provided to a law enforcement agency for the purposes of handgun licenses, the office shall not disclose, distribute, transfer, or provide the following information to any person, entity, agency, or department:

(1) The:

(A) name;

(B) date of birth;

(C) Social Security number;

(D) address; or

(E) other unique identifier;

belonging to or associated with an individual alleged to be dangerous by a law enforcement officer or found to be dangerous by a circuit or superior court.

(2) The make, model, or serial number of any handgun, long gun, or firearm seized, confiscated, retained, disposed of, or sold under IC 35-47-14.

(e) Information:

(1) collected by the office; or

(2) used by the office;

to prepare the report described in subsection (c) is confidential and not subject to public inspection or copying under IC 5-14-3-3.

(f) The office shall make the report described in subsection (c) available to the public.

(g) The office may adopt rules under IC 4-22-2 to implement this section.

SECTION 55. IC 34-24-1-1, AS AMENDED BY P.L.211-2019, SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1. (a) The following may be seized:

(1) All vehicles (as defined by IC 35-31.5-2-346), if they are used or are intended for use by the person or persons in possession of them to transport or in any manner to facilitate the transportation of the following:

(A) A controlled substance for the purpose of committing, attempting to commit, or conspiring to commit any of the following:

(i) Dealing in or manufacturing cocaine or a narcotic drug (IC 35-48-4-1).

(ii) Dealing in methamphetamine (IC 35-48-4-1.1).

(iii) Manufacturing methamphetamine (IC 35-48-4-1.2).

(iv) Dealing in a schedule I, II, or III controlled substance (IC 35-48-4-2).

(v) Dealing in a schedule IV controlled substance (IC 35-48-4-3).

(vi) Dealing in a schedule V controlled substance (IC 35-48-4-4).

(vii) Dealing in a counterfeit substance (IC 35-48-4-5).

(viii) Possession of cocaine or a narcotic drug (IC 35-48-4-6).

(ix) Possession of methamphetamine (IC 35-48-4-6.1).

(x) Dealing in paraphernalia (IC 35-48-4-8.5).

(xi) Dealing in marijuana, hash oil, hashish, or salvia (IC 35-48-4-10).

(xii) An offense under IC 35-48-4 involving a synthetic drug (as defined in IC 35-31.5-2-321), a synthetic drug lookalike substance (as defined in IC 35-31.5-2-321.5 (before its repeal on July 1, 2019)) under IC 35-48-4-10.5 (before its repeal on July 1, 2019), a controlled substance analog (as defined in IC 35-48-1-9.3), or a substance represented to be a controlled substance (as described in IC 35-48-4-4.6).

(B) Any stolen (IC 35-43-4-2) or converted property (IC 35-43-4-3) if the retail or repurchase value of that property is one hundred dollars ($100) or more.

(C) Any hazardous waste in violation of IC 13-30-10-1.5.

(D) A bomb (as defined in IC 35-31.5-2-31) or weapon of mass destruction (as defined in IC 35-31.5-2-354) used to commit, used in an attempt to commit, or used in a conspiracy to commit a felony terrorist offense (as defined in IC 35-50-2-18) or an offense under IC 35-47 as part of or in

furtherance of an act of terrorism (as defined by IC 35-31.5-2-329).
(2) All money, negotiable instruments, securities, weapons, communications devices, or any property used to commit, used in an attempt to commit, or used in a conspiracy to commit a felony terrorist offense (as defined in IC 35-50-2-18) or an offense under IC 35-47 as part of or in furtherance of an act of terrorism or commonly used as consideration for a violation of IC 35-48-4 (other than items subject to forfeiture under IC 16-42-20-5 or IC 16-6-8.5-5.1, before its repeal):

(A) furnished or intended to be furnished by any person in exchange for an act that is in violation of a criminal statute;

(B) used to facilitate any violation of a criminal statute; or

(C) traceable as proceeds of the violation of a criminal statute.

(3) Any portion of real or personal property purchased with money that is traceable as a proceed of a violation of a criminal statute.
(4) A vehicle that is used by a person to:

(A) commit, attempt to commit, or conspire to commit;

(B) facilitate the commission of; or

(C) escape from the commission of;

murder (IC 35-42-1-1), dealing in a controlled substance resulting in death (IC 35-42-1-1.5), kidnapping (IC 35-42-3-2), criminal confinement (IC 35-42-3-3), rape (IC 35-42-4-1), child molesting (IC 35-42-4-3), or child exploitation (IC 35-42-4-4), or an offense under IC 35-47 as part of or in furtherance of an act of terrorism.
(5) Real property owned by a person who uses it to commit any of the following as a Level 1, Level 2, Level 3, Level 4, or Level 5 felony:

(A) Dealing in or manufacturing cocaine or a narcotic drug (IC 35-48-4-1).

(B) Dealing in methamphetamine (IC 35-48-4-1.1).

(C) Manufacturing methamphetamine (IC 35-48-4-1.2).

(D) Dealing in a schedule I, II, or III controlled substance (IC 35-48-4-2).

(E) Dealing in a schedule IV controlled substance (IC 35-48-4-3).

(F) Dealing in marijuana, hash oil, hashish, or salvia (IC 35-48-4-10).

(G) Dealing in a synthetic drug (as defined in IC 35-31.5-2-321) or synthetic drug lookalike substance (as defined in IC 35-31.5-2-321.5 (before its repeal on July 1, 2019)) under IC 35-48-4-10.5 (before its repeal on July 1, 2019).

(H) Dealing in a controlled substance resulting in death (IC 35-42-1-1.5).

(6) Equipment and recordings used by a person to commit fraud under IC 35-43-5-4(10).

(7) Recordings sold, rented, transported, or possessed by a person in violation of IC 24-4-10.

(8) Property (as defined by IC 35-31.5-2-253) or an enterprise (as defined by IC 35-45-6-1) that is the object of a corrupt business influence violation (IC 35-45-6-2).

(9) Unlawful telecommunications devices (as defined in IC 35-45-13-6) and plans, instructions, or publications used to commit an offense under IC 35-45-13.

(10) Any equipment, including computer equipment and cellular telephones, used for or intended for use in preparing, photographing, recording, videotaping, digitizing, printing, copying, or disseminating matter in violation of IC 35-42-4.

(11) Destructive devices used, possessed, transported, or sold in violation of IC 35-47.5.

(12) Tobacco products that are sold in violation of IC 24-3-5, tobacco products that a person attempts to sell in violation of IC 24-3-5, and other personal property owned and used by a person to facilitate a violation of IC 24-3-5.

(13) Property used by a person to commit counterfeiting or forgery in violation of IC 35-43-5-2.

(14) After December 31, 2005, if a person is convicted of an offense specified in IC 25-26-14-26(b) or IC 35-43-10, the following real or personal property:

(A) Property used or intended to be used to commit, facilitate, or promote the commission of the offense.

(B) Property constituting, derived from, or traceable to the gross proceeds that the person obtained directly or indirectly as a result of the offense.

(15) Except as provided in subsection (e), a vehicle used by a person who operates the vehicle:

(A) while intoxicated, in violation of IC 9-30-5-1 through IC 9-30-5-5, if in the previous five (5) years the person has two (2) or more prior unrelated convictions

~~(i)~~ for operating a motor vehicle while intoxicated in violation of IC 9-30-5-1 through IC 9-30-5-5; ~~or~~

~~(ii) for an offense that is substantially similar to IC 9-30-5-1 through IC 9-30-5-5 in another jurisdiction;~~ or

(B) on a highway while the person's driving privileges are suspended in violation of IC 9-24-19-2 through IC 9-24-19-3, if in the previous five (5) years the person has two (2) or more prior unrelated convictions

~~(i)~~ for operating a vehicle while intoxicated in violation of IC 9-30-5-1 through IC 9-30-5-5. ~~or~~

~~(ii) for an offense that is substantially similar to IC 9-30-5-1 through IC 9-30-5-5 in another jurisdiction.~~

If a court orders the seizure of a vehicle under this subdivision, the court shall transmit an order to the bureau of motor vehicles recommending that the bureau not permit a vehicle to be registered in the name of the person whose vehicle was seized until the person possesses a current driving license (as defined in IC 9-13-2-41).

(16) The following real or personal property:

(A) Property used or intended to be used to commit, facilitate, or promote the commission of an offense specified in IC 23-14-48-9, IC 30-2-9-7(b), IC 30-2-10-9(b), or IC 30-2-13-38(f).

(B) Property constituting, derived from, or traceable to the gross proceeds that a person obtains directly or indirectly as a result of an offense specified in IC 23-14-48-9, IC 30-2-9-7(b), IC 30-2-10-9(b), or IC 30-2-13-38(f).

(17) An automated sales suppression device (as defined in IC 35-43-5-4.6(a)(1) or phantom-ware (as defined in IC 35-43-5-4.6(a)(3)).

(18) Real or personal property, including a vehicle, that is used by a person to:

(A) commit, attempt to commit, or conspire to commit;

(B) facilitate the commission of; or

(C) escape from the commission of;

a violation of IC 35-42-3.5-1 through IC 35-42-3.5-1.4 (human trafficking) or IC 35-45-4-4 (promoting prostitution).

(b) A vehicle used by any person as a common or contract carrier in the transaction of business as a common or contract carrier is not subject to seizure under this section, unless it can be proven by a preponderance of the evidence that the owner of the vehicle knowingly permitted the vehicle to be used to engage in conduct that subjects it to seizure under subsection (a).

(c) Equipment under subsection (a)(10) may not be seized unless it can be proven by a preponderance of the evidence that the owner of the equipment knowingly permitted the equipment to be used to engage in conduct that subjects it to seizure under subsection (a)(10).

(d) Money, negotiable instruments, securities, weapons, communications devices, or any property commonly used as consideration for a violation of IC 35-48-4 found near or on a person who is committing, attempting to commit, or conspiring to commit any of the following offenses shall be admitted into evidence in an action under this chapter as prima facie evidence that the money, negotiable instrument, security, or other thing of value is property that has been used or was to have been used to facilitate the violation of a criminal statute or is the proceeds of the violation of a criminal statute:

(1) IC 35-42-1-1.5 (dealing in a controlled substance resulting in death).

(2) IC 35-48-4-1 (dealing in or manufacturing cocaine or a narcotic drug).

(3) IC 35-48-4-1.1 (dealing in methamphetamine).

(4) IC 35-48-4-1.2 (manufacturing methamphetamine).

(5) IC 35-48-4-2 (dealing in a schedule I, II, or III controlled substance).

(6) IC 35-48-4-3 (dealing in a schedule IV controlled substance).

(7) IC 35-48-4-4 (dealing in a schedule V controlled substance) as a Level 4 felony.

(8) IC 35-48-4-6 (possession of cocaine or a narcotic drug) as a Level 3, Level 4, or Level 5 felony.

(9) IC 35-48-4-6.1 (possession of methamphetamine) as a Level 3, Level 4, or Level 5 felony.

(10) IC 35-48-4-10 (dealing in marijuana, hash oil, hashish, or salvia) as a Level 5 felony.

(11) IC 35-48-4-10.5 (before its repeal on July 1, 2019) (dealing in a synthetic drug or synthetic drug lookalike substance) as a Level 5 felony or Level 6 felony (or as a Class C felony or Class D felony under IC 35-48-4-10 before its amendment in 2013).

(e) A vehicle operated by a person who is not:

(1) an owner of the vehicle; or

(2) the spouse of the person who owns the vehicle;

is not subject to seizure under subsection (a)(15) unless it can be proven by a preponderance of the evidence that the owner of the vehicle knowingly permitted the vehicle to be used to engage in conduct that subjects it to seizure under subsection (a)(15).

SECTION 56. IC 35-31.5-2-91, AS AMENDED BY P.L.158-2013, SECTION 365, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 91. "Designated offense", for purposes of IC 35-33.5, means the following:

(1) A Class A, Class B, or Class C felony, for a crime committed before July 1, 2014, or a Level 1, Level 2, Level 3, Level 4, or Level 5 felony, for a crime committed after June 30, 2014, that is a controlled substance offense (IC 35-48-4).

(2) Murder (IC 35-42-1-1).

(3) Kidnapping (IC 35-42-3-2).

(4) Criminal confinement (IC 35-42-3-3).

(5) Robbery (IC 35-42-5-1).

(6) Arson (IC 35-43-1-1).

(7) Child solicitation (IC 35-42-4-6).

(8) Human and sexual trafficking crimes under IC 35-42-3.5.

(9) Escape as a Class B felony or Class C felony, for a crime committed before July 1, 2014, or a Level 4 felony or Level 5 felony, for a crime committed after June 30, 2014 (IC 35-44.1-3-4).

(10) An offense that relates to a weapon of mass destruction (as defined in section 354 of this chapter).

~~(11) An attempt or conspiracy to commit an offense described in subdivisions (1) through (10).~~

~~(12) An offense under the law of the United States or in another state or country that is substantially similar to an offense described in subdivisions (1) through (11).~~

SECTION 57. IC 35-31.5-2-294, AS ADDED BY P.L.114-2012, SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 294. "Serious violent felony", for purposes of IC 35-47-4-5 **and IC 35-47-4-9,** has the meaning set forth in ~~IC 35-47-4-5(b).~~ **IC 35-47-4-5.**

SECTION 58. IC 35-37-4-6, AS AMENDED BY P.L.65-2016, SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 6. (a) This section applies to a criminal action involving the following offenses where the victim is a protected person under subsection (c)(1) or (c)(2):

(1) Sex crimes (IC 35-42-4).

(2) A battery offense included in IC 35-42-2 upon a child less than fourteen (14) years of age.

(3) Kidnapping and confinement (IC 35-42-3).

(4) Incest (IC 35-46-1-3).

(5) Neglect of a dependent (IC 35-46-1-4).

(6) Human and sexual trafficking crimes (IC 35-42-3.5).

~~(7) An attempt under IC 35-41-5-1 to commit an offense listed in this subsection.~~

(b) This section applies to a criminal action involving the following offenses where the victim is a protected person under subsection (c)(3):

(1) Exploitation of a dependent or endangered adult (IC 35-46-1-12).

(2) A sex crime (IC 35-42-4).

(3) A battery offense included in IC 35-42-2.

(4) Kidnapping, confinement, or interference with custody (IC 35-42-3).

(5) Home improvement fraud (IC 35-43-6).

(6) Fraud (IC 35-43-5).

(7) Identity deception (IC 35-43-5-3.5).

(8) Synthetic identity deception (IC 35-43-5-3.8).

(9) Theft (IC 35-43-4-2).

(10) Conversion (IC 35-43-4-3).

(11) Neglect of a dependent (IC 35-46-1-4).

(12) Human and sexual trafficking crimes (IC 35-42-3.5).

(c) As used in this section, "protected person" means:

(1) a child who is less than fourteen (14) years of age;

(2) an individual with a mental disability who has a disability attributable to an impairment of general intellectual functioning or adaptive behavior that:

(A) is manifested before the individual is eighteen (18) years of age;

(B) is likely to continue indefinitely;

(C) constitutes a substantial impairment of the individual's ability to function normally in society; and

(D) reflects the individual's need for a combination and sequence of special, interdisciplinary, or generic care, treatment, or other services that are of lifelong or extended duration and are individually planned and coordinated; or

(3) an individual who is:

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

(B) incapable by reason of mental illness, intellectual disability, dementia, or other physical or mental incapacity of:

(i) managing or directing the management of the individual's property; or

(ii) providing or directing the provision of self-care.

(d) A statement or videotape that:

(1) is made by a person who at the time of trial is a protected person;

(2) concerns an act that is a material element of an offense listed in subsection (a) or (b) that was allegedly committed against the person; and

(3) is not otherwise admissible in evidence;

is admissible in evidence in a criminal action for an offense listed in subsection (a) or (b) if the requirements of subsection (e) are met.

(e) A statement or videotape described in subsection (d) is admissible in evidence in a criminal action listed in subsection (a) or (b) if, after notice to the defendant of a hearing and of the defendant's right to be present, all of the following conditions are met:

(1) The court finds, in a hearing:

(A) conducted outside the presence of the jury; and

(B) attended by the protected person in person or by using closed circuit television testimony as described in section 8(f) and 8(g) of this chapter;

that the time, content, and circumstances of the statement or videotape provide sufficient indications of reliability.

(2) The protected person:

(A) testifies at the trial; or

(B) is found by the court to be unavailable as a witness for one (1) of the following reasons:

(i) From the testimony of a psychiatrist, physician, or psychologist, and other evidence, if any, the court finds that the protected person's testifying in the physical presence of the defendant will cause the protected person to suffer serious emotional distress such that the protected person cannot reasonably communicate.

(ii) The protected person cannot participate in the trial for medical reasons.

(iii) The court has determined that the protected person is incapable of understanding the nature and obligation of an oath.

(f) If a protected person is unavailable to testify at the trial for a reason listed in subsection (e)(2)(B), a statement or videotape may be admitted in evidence under this section only if the protected person was available for cross-examination:

(1) at the hearing described in subsection (e)(1); or

(2) when the statement or videotape was made.

(g) A statement or videotape may not be admitted in evidence under this section unless the prosecuting attorney informs the defendant and the defendant's attorney at least ten (10) days before the trial of:

(1) the prosecuting attorney's intention to introduce the statement or videotape in evidence; and

(2) the content of the statement or videotape.

(h) If a statement or videotape is admitted in evidence under this section, the court shall instruct the jury that it is for the jury to determine the weight and credit to be given the statement or videotape

and that, in making that determination, the jury shall consider the following:

(1) The mental and physical age of the person making the statement or videotape.

(2) The nature of the statement or videotape.

(3) The circumstances under which the statement or videotape was made.

(4) Other relevant factors.

(i) If a statement or videotape described in subsection (d) is admitted into evidence under this section, a defendant may introduce a:

(1) transcript; or

(2) videotape;

of the hearing held under subsection (e)(1) into evidence at trial.

SECTION 59. IC 35-37-4-8, AS AMENDED BY P.L.65-2016, SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 8. (a) This section applies to a criminal action under the following:

(1) Sex crimes (IC 35-42-4).

(2) A battery offense included in IC 35-42-2 upon a child less than fourteen (14) years of age.

(3) Kidnapping and confinement (IC 35-42-3).

(4) Incest (IC 35-46-1-3).

(5) Neglect of a dependent (IC 35-46-1-4).

(6) Human and sexual trafficking crimes (IC 35-42-3.5).

~~(7) An attempt under IC 35-41-5-1 for an offense listed in subdivisions (1) through (6).~~

(b) As used in this section, "protected person" has the meaning set forth in section 6 of this chapter.

(c) On the motion of the prosecuting attorney, the court may order that the testimony of a protected person be taken in a room other than the courtroom, and that the questioning of the protected person by the prosecution and the defense be transmitted using a two-way closed circuit television arrangement that:

(1) allows the protected person to see the accused and the trier of fact; and

(2) allows the accused and the trier of fact to see and hear the protected person.

(d) On the motion of the prosecuting attorney or the defendant, the court may order that the testimony of a protected person be videotaped for use at trial. The videotaping of the testimony of a protected person under this subsection must meet the requirements of subsection (c).

(e) The court may not make an order under subsection (c) or (d) unless:

(1) the testimony to be taken is the testimony of a protected person who:

(A) is the alleged victim of an offense listed in subsection (a) for which the defendant is being tried or is a witness in a trial for an offense listed in subsection (a); and

(B) is found by the court to be a protected person who should be permitted to testify outside the courtroom because:

(i) the court finds from the testimony of a psychiatrist, physician, or psychologist and any other evidence that the protected person's testifying in the physical presence of the defendant would cause the protected person to suffer serious emotional harm and the court finds that the protected person could not reasonably communicate in the physical presence of the defendant to the trier of fact;

(ii) a physician has certified that the protected person cannot be present in the courtroom for medical reasons; or

(iii) evidence has been introduced concerning the effect of the protected person's testifying in the physical presence of the defendant, and the court finds that it is more likely than not that the protected person's testifying in the physical presence of the defendant creates a substantial likelihood of emotional or mental harm to the protected person;

(2) the prosecuting attorney has informed the defendant and the defendant's attorney of the intention to have the protected person testify outside the courtroom; and

(3) the prosecuting attorney informed the defendant and the defendant's attorney under subdivision (2) at least ten (10) days before the trial of the prosecuting attorney's intention to have the protected person testify outside the courtroom.

(f) If the court makes an order under subsection (c), only the following persons may be in the same room as the protected person during the protected person's testimony:

(1) A defense attorney if:

(A) the defendant is represented by the defense attorney; and

(B) the prosecuting attorney is also in the same room.

(2) The prosecuting attorney if:

(A) the defendant is represented by a defense attorney; and

(B) the defense attorney is also in the same room.

(3) Persons necessary to operate the closed circuit television equipment.

(4) Persons whose presence the court finds will contribute to the protected person's well-being.

(5) A court bailiff or court representative.

(g) If the court makes an order under subsection (d), only the following persons may be in the same room as the protected person during the protected person's videotaped testimony:

(1) The judge.

(2) The prosecuting attorney.

(3) The defendant's attorney (or the defendant, if the defendant is not represented by an attorney).

(4) Persons necessary to operate the electronic equipment.

(5) The court reporter.

(6) Persons whose presence the court finds will contribute to the protected person's well-being.

(7) The defendant, who can observe and hear the testimony of the protected person with the protected person being able to observe or hear the defendant. However, if the defendant is not represented by an attorney, the defendant may question the protected person.

(h) If the court makes an order under subsection (c) or (d), only the following persons may question the protected person:

(1) The prosecuting attorney.

(2) The defendant's attorney (or the defendant, if the defendant is not represented by an attorney).

(3) The judge.

SECTION 60. IC 35-38-1-7.5, AS AMENDED BY P.L.86-2018, SECTION 332, IS AMENDED TO READ AS FOLLOWS

[EFFECTIVE JULY 1, 2020]: Sec. 7.5. (a) As used in this section, "sexually violent predator" means a person who suffers from a mental abnormality or personality disorder that makes the individual likely to repeatedly commit a sex offense (as defined in IC 11-8-8-5.2). The term includes a person convicted in another jurisdiction who is identified as a sexually violent predator under IC 11-8-8-20. The term does not include a person no longer considered a sexually violent predator under subsection (g).

(b) A person who:

(1) being at least eighteen (18) years of age, commits an offense described in:

(A) IC 35-42-4-1;

(B) IC 35-42-4-2 (before its repeal);

(C) IC 35-42-4-3 as a Class A or Class B felony (for a crime committed before July 1, 2014) or a Level 1, Level 2, Level 3, or Level 4 felony (for a crime committed after June 30, 2014);

(D) IC 35-42-4-5(a)(1);

(E) IC 35-42-4-5(a)(2);

(F) IC 35-42-4-5(a)(3) (before that provision was redesignated by P.L.158-2013, SECTION 441);

(G) IC 35-42-4-5(b)(1) as a Class A or Class B felony (for a crime committed before July 1, 2014) or Level 2, Level 3, or Level 4 felony (for a crime committed after June 30, 2014);

(H) IC 35-42-4-5(b)(2); **or**

(I) IC 35-42-4-5(b)(3) as a Class A or Class B felony (for a crime committed before July 1, 2014) or a Level 2, Level 3, or Level 4 felony (for a crime committed after June 30, 2014);

~~(J) an attempt or conspiracy to commit a crime listed in clauses (A) through (I); or~~

~~(K) a crime under the laws of another jurisdiction, including a military court, that is substantially equivalent to any of the offenses listed in clauses (A) through (J);~~

(2) commits a sex offense (as defined in IC 11-8-8-5.2) while having a previous unrelated conviction for a sex offense for which the person is required to register as a sex or violent offender under IC 11-8-8;

(3) commits a sex offense (as defined in IC 11-8-8-5.2) while having had a previous unrelated adjudication as a delinquent child for an act that would be a sex offense if committed by an adult, if, after considering expert testimony, a court finds by clear and convincing evidence that the person is likely to commit an additional sex offense; or

(4) commits a sex offense (as defined in IC 11-8-8-5.2) while having had a previous unrelated adjudication as a delinquent child for an act that would be a sex offense if committed by an adult, if the person was required to register as a sex or violent offender under IC 11-8-8-5(b)(2);

is a sexually violent predator. Except as provided in subsection (g) or (h), a person is a sexually violent predator by operation of law if an offense committed by the person satisfies the conditions set forth in subdivision (1) or (2) and the person was released from incarceration, secure detention, probation, or parole for the offense after June 30, 1994.

(c) This section applies whenever a court sentences a person or a juvenile court issues a dispositional decree for a sex offense (as defined in IC 11-8-8-5.2) for which the person is required to register with the local law enforcement authority under IC 11-8-8.

(d) At the sentencing hearing, the court shall indicate on the record whether the person has been convicted of an offense that makes the person a sexually violent predator under subsection (b).

(e) If a person is not a sexually violent predator under subsection (b), the prosecuting attorney may request the court to conduct a hearing to determine whether the person (including a child adjudicated to be a delinquent child) is a sexually violent predator under subsection (a). If the court grants the motion, the court shall appoint two (2) psychologists or psychiatrists who have expertise in criminal behavioral disorders to evaluate the person and testify at the hearing. After conducting the hearing and considering the testimony of the two (2) psychologists or psychiatrists, the court shall determine whether the person is a sexually violent predator under subsection (a). A hearing conducted under this subsection may be combined with the person's sentencing hearing.

(f) If a person is a sexually violent predator:

(1) the person is required to register with the local law enforcement authority as provided in IC 11-8-8; and

(2) the court shall send notice to the department of correction.

(g) This subsection does not apply to a person who has two (2) or more unrelated convictions for an offense described in IC 11-8-8-4.5 for which the person is required to register under IC 11-8-8. A person who is a sexually violent predator may petition the court to consider whether the person should no longer be considered a sexually violent predator. The person may file a petition under this subsection not earlier than ten (10) years after:

(1) the sentencing court or juvenile court makes its determination under subsection (e); or

(2) the person is released from incarceration or secure detention.

A person may file a petition under this subsection not more than one (1) time per year. A court may dismiss a petition filed under this subsection or conduct a hearing to determine if the person should no longer be considered a sexually violent predator. If the court conducts a hearing, the court shall appoint two (2) psychologists or psychiatrists who have expertise in criminal behavioral disorders to evaluate the person and testify at the hearing. After conducting the hearing and considering the testimony of the two (2) psychologists or psychiatrists, the court shall determine whether the person should no longer be considered a sexually violent predator under subsection (a). If a court finds that the person should no longer be considered a sexually violent predator, the court shall send notice to the department of correction that the person is no longer considered a sexually violent predator or an offender against children. Notwithstanding any other law, a condition imposed on a person due to the person's status as a sexually violent predator, including lifetime parole or GPS monitoring, does not apply to a person no longer considered a sexually violent predator.

(h) A person is not a sexually violent predator by operation of law under subsection (b)(1) if all of the following conditions are met:

(1) The victim was not less than twelve (12) years of age at the time the offense was committed.

(2) The person is not more than four (4) years older than the victim.

(3) The relationship between the person and the victim was a dating relationship or an ongoing personal relationship. The term "ongoing personal relationship" does not include a family relationship.

(4) The offense committed by the person was not any of the following:

(A) Rape (IC 35-42-4-1).

(B) Criminal deviate conduct (IC 35-42-4-2) (before its repeal).

(C) An offense committed by using or threatening the use of deadly force or while armed with a deadly weapon.

(D) An offense that results in serious bodily injury.

(E) An offense that is facilitated by furnishing the victim, without the victim's knowledge, with a drug (as defined in IC 16-42-19-2(1)) or a controlled substance (as defined in IC 35-48-1-9) or knowing that the victim was furnished with the drug or controlled substance without the victim's knowledge.

(5) The person has not committed another sex offense (as defined in IC 11-8-8-5.2) (including a delinquent act that would be a sex offense if committed by an adult) against any other person.

(6) The person did not have a position of authority or substantial influence over the victim.

(7) The court finds that the person should not be considered a sexually violent predator.

SECTION 61. IC 35-38-10-1, AS ADDED BY P.L.86-2017, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1. As used in this chapter, "trafficked person" means a person who was the victim of human trafficking (IC 35-42-3.5), ~~or a substantially similar human trafficking offense committed in another jurisdiction,~~ regardless of whether the person who committed the human trafficking offense was charged, tried, or convicted.

SECTION 62. IC 35-40-14-1, AS ADDED BY P.L.137-2009, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1. As used in this chapter, "identity theft" means:

(1) identity deception (IC 35-43-5-3.5); **or**

(2) synthetic identity deception (IC 35-43-5-3.8). ~~or~~

~~(3) a substantially similar crime committed in another jurisdiction.~~

SECTION 63. IC 35-42-2-1, AS AMENDED BY P.L.80-2018, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1. (a) As used in this section, "public safety official" means:

(1) a law enforcement officer, including an alcoholic beverage enforcement officer;

(2) an employee of a penal facility or a juvenile detention facility (as defined in IC 31-9-2-71);

(3) an employee of the department of correction;

(4) a probation officer;

(5) a parole officer;

(6) a community corrections worker;

(7) a home detention officer;

(8) a department of child services employee;

(9) a firefighter;

(10) an emergency medical services provider;

(11) a judicial officer;

(12) a bailiff of any court; or

(13) a special deputy (as described in IC 36-8-10-10.6).

(b) As used in this section, "relative" means an individual related by blood, half-blood, adoption, marriage, or remarriage, including:

(1) a spouse;

(2) a parent or stepparent;

(3) a child or stepchild;

(4) a grandchild or stepgrandchild;

(5) a grandparent or stepgrandparent;

(6) a brother, sister, stepbrother, or stepsister;

(7) a niece or nephew;

(8) an aunt or uncle;

(9) a daughter-in-law or son-in-law;

(10) a mother-in-law or father-in-law; or

(11) a first cousin.

(c) Except as provided in subsections (d) through (k), a person who knowingly or intentionally:

(1) touches another person in a rude, insolent, or angry manner; or

(2) in a rude, insolent, or angry manner places any bodily fluid or waste on another person;

commits battery, a Class B misdemeanor.

(d) The offense described in subsection (c)(1) or (c)(2) is a Class A misdemeanor if it:

(1) results in bodily injury to any other person; or

(2) is committed against a member of a foster family home (as defined in IC 35-31.5-2-139.3) by a person who is not a resident of the foster family home if the person who committed the offense is a relative of a person who lived in the foster family home at the time of the offense.

(e) The offense described in subsection (c)(1) or (c)(2) is a Level 6 felony if one (1) or more of the following apply:

(1) The offense results in moderate bodily injury to any other person.

(2) The offense is committed against a public safety official while the official is engaged in the official's official duty.

(3) The offense is committed against a person less than fourteen (14) years of age and is committed by a person at least eighteen (18) years of age.

(4) The offense is committed against a person of any age who has a mental or physical disability and is committed by a person having the care of the person with the mental or physical disability, whether the care is assumed voluntarily or because of a legal obligation.

(5) The offense is committed against an endangered adult (as defined in IC 12-10-3-2).

(6) The offense:

(A) is committed against a member of a foster family home (as defined in IC 35-31.5-2-139.3) by a person who is not a resident of the foster family home if the person who committed the offense is a relative of a person who lived in the foster family home at the time of the offense; and

(B) results in bodily injury to the member of the foster family.

(f) The offense described in subsection (c)(2) is a Level 6 felony if the person knew or recklessly failed to know that the bodily fluid or

waste placed on another person was infected with hepatitis, tuberculosis, or human immunodeficiency virus.

(g) The offense described in subsection (c)(1) or (c)(2) is a Level 5 felony if one (1) or more of the following apply:

(1) The offense results in serious bodily injury to another person.

(2) The offense is committed with a deadly weapon.

(3) The offense results in bodily injury to a pregnant woman if the person knew of the pregnancy.

(4) The person has a previous conviction for a battery offense ~~(A)~~ included in this chapter against the same victim. ~~or (B) against the same victim in any other jurisdiction, including a military court, in which the elements of the crime for which the conviction was entered are substantially similar to the elements of a battery offense included in this chapter.~~

(5) The offense results in bodily injury to one (1) or more of the following:

(A) A public safety official while the official is engaged in the official's official duties.

(B) A person less than fourteen (14) years of age if the offense is committed by a person at least eighteen (18) years of age.

(C) A person who has a mental or physical disability if the offense is committed by an individual having care of the person with the disability, regardless of whether the care is assumed voluntarily or because of a legal obligation.

(D) An endangered adult (as defined in IC 12-10-3-2).

(h) The offense described in subsection (c)(2) is a Level 5 felony if:

(1) the person knew or recklessly failed to know that the bodily fluid or waste placed on another person was infected with hepatitis, tuberculosis, or human immunodeficiency virus; and

(2) the person placed the bodily fluid or waste on a public safety official.

(i) The offense described in subsection (c)(1) or (c)(2) is a Level 4 felony if it results in serious bodily injury to an endangered adult (as defined in IC 12-10-3-2).

(j) The offense described in subsection (c)(1) or (c)(2) is a Level 3 felony if it results in serious bodily injury to a person less than fourteen

(14) years of age if the offense is committed by a person at least eighteen (18) years of age.

(k) The offense described in subsection (c)(1) or (c)(2) is a Level 2 felony if it results in the death of one (1) or more of the following:

(1) A person less than fourteen (14) years of age if the offense is committed by a person at least eighteen (18) years of age.

(2) An endangered adult (as defined in IC 12-10-3-2).

SECTION 64. IC 35-42-2-1.3, AS AMENDED BY P.L.40-2019, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1.3. (a) Except as provided in subsections (b) through (f), a person who knowingly or intentionally:

(1) touches a family or household member in a rude, insolent, or angry manner; or

(2) in a rude, insolent, or angry manner places any bodily fluid or waste on a family or household member;

commits domestic battery, a Class A misdemeanor.

(b) The offense under subsection (a)(1) or (a)(2) is a Level 6 felony if one (1) or more of the following apply:

(1) The person who committed the offense has a previous, unrelated conviction:

(A) for a battery offense included in this chapter; **or**

(B) for a strangulation offense under IC 35-42-2-9. ~~or~~

~~(C) in any other jurisdiction, including a military court, in which the elements of the crime for which the conviction was entered are substantially similar to the elements of:~~

~~(i) a battery offense included in this chapter; or~~

~~(ii) a strangulation offense under IC 35-42-2-9.~~

(2) The person who committed the offense is at least eighteen (18) years of age and committed the offense against a family or household member in the physical presence of a child less than sixteen (16) years of age, knowing that the child was present and might be able to see or hear the offense.

(3) The offense results in moderate bodily injury to a family or household member.

(4) The offense is committed against a family or household member who is less than fourteen (14) years of age and is committed by a person at least eighteen (18) years of age.

(5) The offense is committed against a family or household member of any age who has a mental or physical disability and is committed by a person having the care of the family or household member with the mental or physical disability, whether the care is assumed voluntarily or because of a legal obligation.

(6) The offense is committed against a family or household member who is an endangered adult (as defined in IC 12-10-3-2).

(c) The offense described in subsection (a)(1) or (a)(2) is a Level 5 felony if one (1) or more of the following apply:

(1) The offense results in serious bodily injury to a family or household member.

(2) The offense is committed with a deadly weapon against a family or household member.

(3) The offense results in bodily injury to a pregnant family or household member if the person knew of the pregnancy.

(4) The person has a previous conviction for a battery offense

~~(A)~~ included in this chapter against the same family or household member. ~~or~~

~~(B) against the same family or household member in any other jurisdiction, including a military court, in which the elements of the crime for which the conviction was entered are substantially similar to the elements of a battery offense included in this chapter.~~

(5) The offense results in bodily injury to one (1) or more of the following:

(A) A family or household member who is less than fourteen (14) years of age if the offense is committed by a person at least eighteen (18) years of age.

(B) A family or household member who has a mental or physical disability if the offense is committed by an individual having care of the family or household member with the disability, regardless of whether the care is assumed voluntarily or because of a legal obligation.

(C) A family or household member who is an endangered adult (as defined in IC 12-10-3-2).

(d) The offense described in subsection (a)(1) or (a)(2) is a Level 4 felony if it results in serious bodily injury to a family or household member who is an endangered adult (as defined in IC 12-10-3-2).

(e) The offense described in subsection (a)(1) or (a)(2) is a Level 3 felony if it results in serious bodily injury to a family or household member who is less than fourteen (14) years of age if the offense is committed by a person at least eighteen (18) years of age.

(f) The offense described in subsection (a)(1) or (a)(2) is a Level 2 felony if it results in the death of one (1) or more of the following:

(1) A family or household member who is less than fourteen (14) years of age if the offense is committed by a person at least eighteen (18) years of age.

(2) A family or household member who is an endangered adult (as defined in IC 12-10-3-2).

SECTION 65. IC 35-42-2-9, AS AMENDED BY P.L.40-2019, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 9. (a) This section does not apply to a medical procedure.

(b) As used in this section, "torso" means any part of the upper body from the collarbone to the hips.

(c) A person who, in a rude, angry, or insolent manner, knowingly or intentionally:

(1) applies pressure to the throat or neck of another person;

(2) obstructs the nose or mouth of the another person; or

(3) applies pressure to the torso of another person;

in a manner that impedes the normal breathing or the blood circulation of the other person commits strangulation, a Level 6 felony.

(d) However, the offense under subsection (c) is a Level 5 felony if:

(1) the offense is committed by a person:

(A) against a pregnant woman; and

(B) who knew the victim was pregnant at the time of the offense; **or**

(2) the person has a prior unrelated conviction under this section. ~~or~~

~~(3) the person has a prior unrelated conviction in any jurisdiction, including a military court, in which the elements of the crime for~~

~~which the conviction was entered are substantially similar to the elements set forth in this section.~~

SECTION 66. IC 35-42-4-11, AS AMENDED BY P.L.220-2019, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 11. (a) As used in this section, and except as provided in subsection (d), "offender against children" means a person required to register as a sex or violent offender under IC 11-8-8 who has been:

(1) found to be a sexually violent predator under IC 35-38-1-7.5; or

(2) convicted of one (1) or more of the following offenses:

(A) Child molesting (IC 35-42-4-3).

(B) Child exploitation (IC 35-42-4-4(b) or IC 35-42-4-4(c)).

(C) Child solicitation (IC 35-42-4-6).

(D) Child seduction (IC 35-42-4-7).

(E) Kidnapping (IC 35-42-3-2), if the victim is less than eighteen (18) years of age, and the person is not the child's parent or guardian.

~~(F) Attempt to commit or conspiracy to commit an offense listed in clauses (A) through (E).~~

~~(G) An offense in another jurisdiction that is substantially similar to an offense described in clauses (A) through (F).~~

A person is an offender against children by operation of law if the person meets the conditions described in subdivision (1) or (2) at any time.

(b) As used in this section, "reside" means to spend more than three (3) nights in:

(1) a residence; or

(2) if the person does not reside in a residence, a particular location;

in any thirty (30) day period.

(c) An offender against children who knowingly or intentionally:

(1) resides within one thousand (1,000) feet of:

(A) school property, not including property of an institution providing post-secondary education;

(B) a youth program center;

(C) a public park; or

(D) a day care center licensed under IC 12-17.2;

(2) establishes a residence within one (1) mile of the residence of the victim of the offender's sex offense; or

(3) resides in a residence where a child care provider (as defined by IC 31-33-26-1) provides child care services;

commits a sex offender residency offense, a Level 6 felony.

(d) This subsection does not apply to an offender against children who has two (2) or more unrelated convictions for an offense described in subsection (a). A person who is an offender against children may petition the court to consider whether the person should no longer be considered an offender against children. The person may file a petition under this subsection not earlier than ten (10) years after the person is released from incarceration or parole, whichever occurs last (or, if the person is not incarcerated, not earlier than ten (10) years after the person is released from probation). A person may file a petition under this subsection not more than one (1) time per year. A court may dismiss a petition filed under this subsection or conduct a hearing to determine if the person should no longer be considered an offender against children. If the court conducts a hearing, the court shall appoint two (2) psychologists or psychiatrists who have expertise in criminal behavioral disorders to evaluate the person and testify at the hearing. After conducting the hearing and considering the testimony of the two (2) psychologists or psychiatrists, the court shall determine whether the person should no longer be considered an offender against children. If a court finds that the person should no longer be considered an offender against children, the court shall send notice to the department of correction that the person is no longer considered an offender against children.

SECTION 67. IC 35-42-4-14, AS AMENDED BY P.L.87-2018, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 14. (a) As used in this section, "serious sex offender" means a person required to register as a sex offender under IC 11-8-8 who is:

(1) found to be a sexually violent predator under IC 35-38-1-7.5; or

(2) convicted of one (1) or more of the following offenses:

(A) Child molesting (IC 35-42-4-3).

(B) Child exploitation (IC 35-42-4-4(b) or IC 35-42-4-4(c)).

(C) Possession of child pornography (IC 35-42-4-4(d) or IC 35-42-4-4(e)).

(D) Vicarious sexual gratification (IC 35-42-4-5(a) and IC 35-42-4-5(b)).

(E) Performing sexual conduct in the presence of a minor (IC 35-42-4-5(c)).

(F) Child solicitation (IC 35-42-4-6).

(G) Child seduction (IC 35-42-4-7).

(H) Sexual misconduct with a minor (IC 35-42-4-9).

~~(I) A conspiracy or an attempt to commit an offense described in clauses (A) through (H).~~

~~(J) An offense in another jurisdiction that is substantially similar to an offense described in clauses (A) through (I).~~

(b) A serious sex offender who knowingly or intentionally enters school property commits unlawful entry by a serious sex offender, a Level 6 felony.

(c) It is a defense to a prosecution under subsection (b) that:

(1) a religious institution or house of worship is located on the school property; and

(2) the person:

(A) enters the school property or other entity described in IC 35-31.5-2-285(1)(A) through IC 35-31.5-2-285(1)(D) when classes, extracurricular activities, or any other school activities are not being held:

(i) for the sole purpose of attending worship services or receiving religious instruction; and

(ii) not earlier than thirty (30) minutes before the beginning of the worship services or religious instruction; and

(B) leaves the school property not later than thirty (30) minutes after the conclusion of the worship services or religious instruction.

SECTION 68. IC 35-43-2-2.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 2.1. (a) A person who, with the intent to commit theft under section 2 of this chapter:**

(1) agrees with at least two (2) other persons to commit theft; and

(2) performs an overt act in furtherance of the agreement;

commits organized theft, a Level 6 felony.

(b) It is not a defense to a prosecution under this section that one (1) or more persons with whom the accused person is alleged to have agreed:

(1) has not been prosecuted;

(2) has not been convicted;

(3) has been acquitted;

(4) has been convicted of a different crime;

(5) cannot be prosecuted for any reason; or

(6) lacked the capacity to commit the crime.

(c) A person may not be convicted of an offense under this section and:

(1) an attempt to commit theft; or

(2) a conspiracy to commit theft;

with respect to the same underlying theft.

SECTION 69. IC 35-43-6-13, AS AMENDED BY P.L.238-2015, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 13. (a) The offense in section 12(a) of this chapter is a Class A misdemeanor:

(1) in the case of an offense under section 12(a)(1) through 12(a)(4) of this chapter or section 12(a)(6) through 12(a)(9) of this chapter, if the home improvement contract price is one thousand dollars ($1,000) or more;

(2) for the second or subsequent offense under this chapter; ~~or in another jurisdiction for an offense that is substantially similar to another offense described in this chapter;~~

(3) if two (2) or more home improvement contracts exceed an aggregate amount of one thousand dollars ($1,000) and are entered into with the same consumer by one (1) or more suppliers as part of or in furtherance of a common fraudulent scheme, design, or intention; or

(4) if, in a violation of section 12(a)(5) of this chapter, the home improvement contract price is at least seven thousand dollars ($7,000), but less than ten thousand dollars ($10,000).

(b) The offense in section 12 of this chapter is a Level 6 felony:

(1) if, in a violation of section 12(a)(5) of this chapter, the home improvement contract price is at least ten thousand dollars ($10,000);

(2) if, in a violation of:

(A) section 12(a)(1) through 12(a)(5); or

(B) section 12(a)(7) through 12(a)(9);

of this chapter, the consumer is at least sixty (60) years of age and the home improvement contract price is less than ten thousand dollars ($10,000);

(3) if, in a violation of section 12(b) of this chapter, the consumer is at least sixty (60) years of age; or

(4) if the home improvement supplier violates more than one (1) subdivision of section 12(a) of this chapter.

(c) The offense in section 12(a) of this chapter is a Level 5 felony:

(1) if, in a violation of:

(A) section 12(a)(1) through 12(a)(5); or

(B) section 12(a)(7) through 12(a)(9);

of this chapter, the consumer is at least sixty (60) years of age and the home improvement contract price is at least ten thousand dollars ($10,000); or

(2) if, in a violation of:

(A) section 12(a)(1) through 12(a)(4); or

(B) section 12(a)(7) through 12(a)(9);

of this chapter, the consumer is at least sixty (60) years of age, and two (2) or more home improvement contracts exceed an aggregate amount of one thousand dollars ($1,000) and are entered into with the same consumer by one (1) or more suppliers as part of or in furtherance of a common fraudulent scheme, design, or intention.

SECTION 70. IC 35-44.1-2-3, AS AMENDED BY P.L.107-2016, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 3. (a) As used in this section, "consumer product" has the meaning set forth in IC 35-45-8-1.

(b) As used in this section, "misconduct" means a violation of a departmental rule or procedure of a law enforcement agency.

(c) A person who reports, by telephone, telegraph, mail, or other written or oral communication, that:

(1) the person or another person has placed or intends to place an explosive, a destructive device, or other destructive substance in a building or transportation facility;

(2) there has been or there will be tampering with a consumer product introduced into commerce; or

(3) there has been or will be placed or introduced a weapon of mass destruction in a building or a place of assembly;

knowing the report to be false, commits false reporting, a Level 6 felony.

(d) A person who:

(1) gives a false report of the commission of a crime or gives false information in the official investigation of the commission of a crime, knowing the report or information to be false;

(2) gives a false alarm of fire to the fire department of a governmental entity, knowing the alarm to be false;

(3) makes a false request for ambulance service to an ambulance service provider, knowing the request to be false;

(4) gives a false report concerning a missing child (as defined in IC 10-13-5-4) or missing endangered adult (as defined in IC 12-7-2-131.3) or gives false information in the official investigation of a missing child or missing endangered adult knowing the report or information to be false;

(5) makes a complaint against a law enforcement officer to the state or municipality (as defined in IC 8-1-13-3(b)) that employs the officer:

(A) alleging the officer engaged in misconduct while performing the officer's duties; and

(B) knowing the complaint to be false;

(6) makes a false report of a missing person, knowing the report or information is false; ~~or~~

(7) gives a false report of actions, behavior, or conditions concerning:

(A) a septic tank soil absorption system under IC 8-1-2-125 or IC 13-26-5-2.5; or

(B) a septic tank soil absorption system or constructed wetland septic system under IC 36-9-23-30.1;

knowing the report or information to be false; **or**

(8) makes a false report that a person is dangerous (as defined in IC 35-47-14-1) knowing the report or information to be false;

commits false informing, a Class B misdemeanor. However, the offense is a Class A misdemeanor if it substantially hinders any law enforcement process or if it results in harm to another person.

SECTION 71. IC 35-45-4-1, AS AMENDED BY P.L.158-2013, SECTION 524, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1. (a) A person who knowingly or intentionally, in a public place:

(1) engages in sexual intercourse;

(2) engages in other sexual conduct (as defined in IC 35-31.5-2-221.5);

(3) appears in a state of nudity with the intent to arouse the sexual desires of the person or another person; or

(4) fondles the person's genitals or the genitals of another person;

commits public indecency, a Class A misdemeanor.

(b) A person at least eighteen (18) years of age who knowingly or intentionally, in a public place, appears in a state of nudity with the intent to be seen by a child less than sixteen (16) years of age commits public indecency, a Class A misdemeanor.

(c) However, the offense under subsection (a) or (b) is a Level 6 felony if the person who commits the offense has a prior unrelated conviction

~~(1)~~ under subsection (a) or (b). ~~or~~

~~(2) in another jurisdiction, including a military court, that is substantially equivalent to an offense described in subsection (a) or (b).~~

(d) As used in this section, "nudity" means the showing of the human male or female genitals, pubic area, or buttocks with less than a fully opaque covering, the showing of the female breast with less than a fully opaque covering of any part of the nipple, or the showing of covered male genitals in a discernibly turgid state.

(e) A person who, in a place other than a public place, with the intent to be seen by persons other than invitees and occupants of that place:

(1) engages in sexual intercourse;

(2) engages in other sexual conduct (as defined in IC 35-31.5-2-221.5);

(3) fondles the person's genitals or the genitals of another person; or

(4) appears in a state of nudity;

where the person can be seen by persons other than invitees and occupants of that place commits indecent exposure, a Class C misdemeanor.

SECTION 72. IC 35-45-4-5, AS AMENDED BY P.L.107-2017, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 5. (a) The following definitions apply throughout this section:

(1) "Camera" means a camera, a video camera, a device that captures a digital image, or any other type of video recording device.

(2) "Peep" means any looking of a clandestine, surreptitious, prying, or secretive nature.

(3) "Private area" means the naked or undergarment clad genitals, pubic area, or buttocks of an individual.

(b) A person:

(1) who knowingly or intentionally:

(A) peeps; or

(B) goes upon the land of another with the intent to peep;

into an occupied dwelling of another person; or

(2) who knowingly or intentionally peeps into an area where an occupant of the area reasonably can be expected to disrobe, including:

(A) restrooms;

(B) baths;

(C) showers; and

(D) dressing rooms;

without the consent of the other person, commits voyeurism, a Class B misdemeanor.

(c) However, the offense under subsection (b) is a Level 6 felony if:

(1) it is knowingly or intentionally committed by means of a camera; or

(2) the person who commits the offense has a prior unrelated conviction

~~(A)~~ under this section. ~~or~~

~~(B) in another jurisdiction, including a military court, for an offense that is substantially similar to an offense described in this section.~~

(d) A person who:

(1) without the consent of the individual; and

(2) with intent to peep at the private area of an individual;

peeps at the private area of an individual and records an image by means of a camera commits public voyeurism, a Class A misdemeanor.

(e) The offense under subsection (d) is a Level 6 felony if the person has a prior unrelated conviction under this section ~~or in another jurisdiction, including a military court, for an offense that is substantially similar to an offense described in this section,~~ or if the person:

(1) publishes the image;

(2) makes the image available on the Internet; or

(3) transmits or disseminates the image to another person.

(f) It is a defense to a prosecution under subsection (d) that the individual deliberately exposed the individual's private area.

(g) A person who, with the intent to peep, operates an unmanned aerial vehicle in a manner that is intended to cause the unmanned aerial vehicle to enter the space above or surrounding another person's occupied dwelling for the purpose of capturing images, photographs, video recordings, or audio recordings of the other person while the other person is:

(1) within the other person's occupied dwelling; or

(2) on the land or premises:

(A) on which the other person's occupied dwelling is located; and

(B) in a location that is not visible from an area:

(i) open to the general public; or

(ii) where a member of the general public has the right to be;

commits remote aerial voyeurism, a Class A misdemeanor.

(h) The offense under subsection (g) is a Level 6 felony if the person has a prior unrelated conviction under this section ~~or in another~~

~~jurisdiction, including a military court, for an offense that is substantially similar to an offense described in this section,~~ or if the person:

(1) publishes the images, photographs, or recordings captured;

(2) makes the images, photographs, or recordings captured available on the Internet; or

(3) transmits or disseminates the images, photographs, or recordings captured to another person.

SECTION 73. IC 35-47-2-18, AS AMENDED BY P.L.158-2013, SECTION 582, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 18. (a) No person shall:

~~(1) change, alter, remove, or obliterate the name of the maker, model, manufacturer's serial number, or other mark of identification on any handgun; or~~

~~(2) possess any handgun on which the name of the maker, model, manufacturer's serial number, or other mark of identification has been changed, altered, removed, or obliterated;~~

~~except as provided by applicable United States statute.~~

(1) remove, obliterate, or alter the importer or manufacturer's serial number on any firearm; or

(2) possess any firearm on which the importer or manufacturer's serial number has been removed, obliterated, or altered.

(b) A person who knowingly or intentionally violates this section commits a Level 5 felony.

SECTION 74. IC 35-47-4-5, AS AMENDED BY P.L.198-2018, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 5. (a) As used in this section, "serious violent felon" means a person who has been convicted of

~~(1)~~ committing a serious violent felony. ~~in:~~

~~(A) Indiana; or~~

~~(B) any other jurisdiction in which the elements of the crime for which the conviction was entered are substantially similar to the elements of a serious violent felony; or~~

~~(2) attempting to commit or conspiring to commit a serious violent felony in:~~

~~(A) Indiana as provided under IC 35-41-5-1 or IC 35-41-5-2; or~~

~~(B) any other jurisdiction in which the elements of the crime for which the conviction was entered are substantially similar to the elements of attempting to commit or conspiring to commit a serious violent felony.~~

(b) As used in this section, "serious violent felony" means:

(1) murder (IC 35-42-1-1);

(2) voluntary manslaughter (IC 35-42-1-3);

(3) reckless homicide not committed by means of a vehicle (IC 35-42-1-5);

(4) battery (IC 35-42-2-1) as a:

(A) Class A felony, Class B felony, or Class C felony, for a crime committed before July 1, 2014; or

(B) Level 2 felony, Level 3 felony, Level 4 felony, or Level 5 felony, for a crime committed after June 30, 2014;

(5) domestic battery (IC 35-42-2-1.3) as a Level 2 felony, Level 3 felony, Level 4 felony, or Level 5 felony;

(6) aggravated battery (IC 35-42-2-1.5);

(7) kidnapping (IC 35-42-3-2);

(8) criminal confinement (IC 35-42-3-3);

(9) rape (IC 35-42-4-1);

(10) criminal deviate conduct (IC 35-42-4-2) (before its repeal);

(11) child molesting (IC 35-42-4-3);

(12) sexual battery (IC 35-42-4-8) as a:

(A) Class C felony, for a crime committed before July 1, 2014; or

(B) Level 5 felony, for a crime committed after June 30, 2014;

(13) robbery (IC 35-42-5-1);

(14) carjacking (IC 5-42-5-2) (before its repeal);

(15) arson (IC 35-43-1-1(a)) as a:

(A) Class A felony or Class B felony, for a crime committed before July 1, 2014; or

(B) Level 2 felony, Level 3 felony, or Level 4 felony, for a crime committed after June 30, 2014;

(16) burglary (IC 35-43-2-1) as a:

(A) Class A felony or Class B felony, for a crime committed before July 1, 2014; or

(B) Level 1 felony, Level 2 felony, Level 3 felony, or Level 4 felony, for a crime committed after June 30, 2014;

(17) assisting a criminal (IC 35-44.1-2-5) as a:

(A) Class C felony, for a crime committed before July 1, 2014; or

(B) Level 5 felony, for a crime committed after June 30, 2014;

(18) resisting law enforcement (IC 35-44.1-3-1) as a:

(A) Class B felony or Class C felony, for a crime committed before July 1, 2014; or

(B) Level 2 felony, Level 3 felony, or Level 5 felony, for a crime committed after June 30, 2014;

(19) escape (IC 35-44.1-3-4) as a:

(A) Class B felony or Class C felony, for a crime committed before July 1, 2014; or

(B) Level 4 felony or Level 5 felony, for a crime committed after June 30, 2014;

(20) trafficking with an inmate (IC 35-44.1-3-5) as a:

(A) Class C felony, for a crime committed before July 1, 2014; or

(B) Level 5 felony, for a crime committed after June 30, 2014;

(21) criminal organization intimidation (IC 35-45-9-4);

(22) stalking (IC 35-45-10-5) as a:

(A) Class B felony or Class C felony, for a crime committed before July 1, 2014; or

(B) Level 4 felony or Level 5 felony, for a crime committed after June 30, 2014;

(23) incest (IC 35-46-1-3);

(24) dealing in or manufacturing cocaine or a narcotic drug (IC 35-48-4-1);

(25) dealing in methamphetamine (IC 35-48-4-1.1) or manufacturing methamphetamine (IC 35-48-4-1.2);

(26) dealing in a schedule I, II, or III controlled substance (IC 35-48-4-2);

(27) dealing in a schedule IV controlled substance (IC 35-48-4-3);

(28) dealing in a schedule V controlled substance (IC 35-48-4-4); or

(29) dealing in a controlled substance resulting in death (IC 35-42-1-1.5).

(c) A serious violent felon who knowingly or intentionally possesses a firearm commits unlawful possession of a firearm by a serious violent felon, a Level 4 felony.

SECTION 75. IC 35-47-4-9 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 9. (a) As used in this section, "serious violent felony" has the meaning set forth in section 5 of this chapter.**

(b) A person who:

(1) has been adjudicated a delinquent child for committing an act while armed with a firearm that would be a serious violent felony if committed by an adult;

(2) is less than:

(A) twenty-six (26) years of age, if the delinquent act, if committed by an adult, would have been a:

(i) Level 6 felony;

(ii) Level 5 felony;

(iii) Level 4 felony; or

(iv) Level 3 felony; or

(B) twenty-eight (28) years of age, if the delinquent act, if committed by an adult, would have been:

(i) a Level 2 felony;

(ii) a Level 1 felony; or

(iii) murder; and

(3) knowingly or intentionally possesses a firearm;

commits unlawful possession of a firearm by a dangerous person, a Level 6 felony. However, the offense is a Level 5 felony if the person has a prior unrelated conviction under this section.

SECTION 76. IC 35-47-14-2, AS AMENDED BY P.L.289-2019, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 2. (a) A circuit or superior court may issue a warrant to search for and seize a firearm in the possession of an individual who is dangerous if:

(1) a law enforcement officer provides the court a sworn affidavit that:

(A) states why the law enforcement officer believes that the individual is dangerous and in possession of a firearm; and

(B) describes the law enforcement officer's interactions and conversations with:

(i) the individual who is alleged to be dangerous; or

(ii) another individual, if the law enforcement officer believes that information obtained from this individual is credible and reliable;

that have led the law enforcement officer to believe that the individual is dangerous and in possession of a firearm;

(2) the affidavit specifically describes the location of the firearm; and

(3) the circuit or superior court determines that probable cause exists to believe that the individual is:

(A) dangerous; and

(B) in possession of a firearm.

(b) A law enforcement agency responsible for the seizure of the firearm under this section shall file a search warrant return with the court setting forth the:

(1) quantity; and

(2) type;

of each firearm seized from an individual under this section. **Beginning July 1, 2021, the court shall provide information described under this subsection to the office of judicial administration in a manner required by the office.**

SECTION 77. IC 35-47-14-3, AS AMENDED BY P.L.289-2019, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 3. (a) If a law enforcement officer seizes a firearm from an individual whom the law enforcement officer believes to be dangerous without obtaining a warrant, the law enforcement officer shall submit to the circuit or superior court having jurisdiction over the individual believed to be dangerous an affidavit describing the basis for the law enforcement officer's belief that the individual is dangerous.

(b) An affidavit described in subsection (a) shall:

(1) set forth the quantity and type of each firearm seized from the individual under this section; and

(2) be submitted to a circuit or superior court having jurisdiction over the individual believed to be dangerous not later than forty-eight (48) hours after the seizure of the firearm.

(c) The court shall review the affidavit described in subsection (a) as soon as possible.

(d) If the court finds that probable cause exists to believe that the individual is dangerous, the court shall order the law enforcement agency having custody of the firearm to retain the firearm. **Beginning July 1, 2021, the court shall provide information described under this subsection and subsection (b)(1) to the office of judicial administration in a manner required by the office.**

~~(e) A law enforcement agency responsible for the seizure of the firearm under this section shall file a search warrant return with the court setting forth the:~~

~~(1) quantity; and~~

~~(2) type;~~

~~of each firearm seized from an individual under this section.~~

~~(f)~~ **(e)** If the court finds that there is no probable cause to believe that the individual is dangerous, the court shall order the law enforcement agency having custody of the firearm to return the firearm to the individual as quickly as practicable, but not later than five (5) days after the date of the order.

SECTION 78. IC 35-47-14-6, AS AMENDED BY P.L.289-2019, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 6. (a) The court shall conduct a hearing as required under this chapter.

(b) The state has the burden of proving all material facts by clear and convincing evidence.

(c) If the court determines that the state has proved by clear and convincing evidence that the individual is dangerous, the court shall issue a written order:

(1) finding the individual is dangerous (as defined in section 1 of this chapter);

(2) ordering the law enforcement agency having custody of the seized firearm to retain the firearm;

(3) ordering the individual's license to carry a handgun, if applicable, suspended; and

(4) enjoining the individual from:

(A) renting;

(B) receiving transfer of;

(C) owning; or

(D) possessing;

a firearm; and

determine whether the individual should be referred to further proceedings to consider whether the individual should be involuntarily detained or committed under IC 12-26-6-2(a)(2)(B).

(d) If the court finds that the individual is dangerous under subsection (c), the clerk shall transmit the order of the court to the office of judicial administration:

(1) for transmission to NICS (as defined in IC 35-47-2.5-2.5); **and**

(2) beginning July 1, 2021, for the collection of certain data related to the confiscation and retention of firearms taken from dangerous individuals;

in accordance with IC 33-24-6-3.

(e) If the court orders a law enforcement agency to retain a firearm, the law enforcement agency shall retain the firearm until the court orders the firearm returned or otherwise disposed of.

(f) If the court determines that the state has failed to prove by clear and convincing evidence that the individual is dangerous, the court shall issue a written order that:

(1) the individual is not dangerous (as defined in section 1 of this chapter); and

(2) the law enforcement agency having custody of the firearm shall return the firearm as quickly as practicable, but not later than five (5) days after the date of the order, to the individual from whom it was seized.

SECTION 79. IC 35-47-14-8, AS AMENDED BY P.L.289-2019, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 8. (a) At least one hundred eighty (180) days after the date on which a court orders a law enforcement agency to retain an individual's firearm under section 6(c) of this

chapter, the individual may petition the court for a finding that the individual is no longer dangerous.

(b) Upon receipt of a petition described in subsection (a), the court shall:

(1) enter an order setting a date for a hearing on the petition; and

(2) inform the prosecuting attorney of the date, time, and location of the hearing.

(c) The prosecuting attorney shall represent the state at the hearing on a petition under this section.

(d) In a hearing on a petition under this section, the individual may be represented by an attorney.

(e) In a hearing on a petition under this section filed:

(1) not later than one (1) year after the date of the order issued under section 6(c) of this chapter, the individual must prove by a preponderance of the evidence that the individual is no longer dangerous; and

(2) later than one (1) year after the date of the order issued under section 6(c) of this chapter, the state must prove by clear and convincing evidence that the individual is still dangerous.

(f) If, upon the completion of the hearing and consideration of the record, the court finds that the individual is no longer dangerous, the court shall:

(1) issue a court order that finds that the individual is no longer dangerous;

(2) order the law enforcement agency having custody of any firearm to return the firearm as quickly as practicable, but not later than five (5) days after the date of the order, to the individual;

(3) terminate any injunction issued under section 6 of this chapter; and

(4) terminate the suspension of the individual's license to carry a handgun so that the individual may reapply for a license.

(g) If the court denies an individual's petition under this section, the individual may not file a subsequent petition until at least one hundred eighty (180) days after the date on which the court denied the petition.

(h) If a court issues an order described under subsection (f), the court's order shall be transmitted, as soon as practicable, to the office of judicial administration for transmission to the NICS (as defined in

IC 35-47-2.5-2.5) **and, beginning July 1, 2021, for the collection of certain data related to the confiscation and retention of firearms taken from dangerous individuals** in accordance with IC 33-24-6-3.

SECTION 80. IC 35-48-1-16.5, AS AMENDED BY P.L.182-2019, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 16.5. "Enhancing circumstance" means one (1) or more of the following:

(1) The person has a prior conviction ~~in any jurisdiction,~~ for dealing in a controlled substance that is not marijuana, hashish, hash oil, or salvia divinorum. ~~including an attempt or conspiracy to commit the offense.~~

(2) The person committed the offense while in possession of a firearm.

(3) The person committed the offense:

(A) on a school bus; or

(B) in, on, or within five hundred (500) feet of:

(i) school property while a person under eighteen (18) years of age was reasonably expected to be present; or

(ii) a public park while a person under eighteen (18) years of age was reasonably expected to be present.

(4) The person delivered or financed the delivery of the drug to a person under eighteen (18) years of age at least three (3) years junior to the person.

(5) The person manufactured or financed the manufacture of the drug.

(6) The person committed the offense in the physical presence of a child less than eighteen (18) years of age, knowing that the child was present and might be able to see or hear the offense.

(7) The person committed the offense on the property of a:

(A) penal facility; or

(B) juvenile facility (as defined in IC 35-44.1-3-5).

(8) The person knowingly committed the offense in, on, or within one hundred (100) feet of a facility. For purposes of this subdivision, "facility" means a place that is:

(A) created and funded under IC 12-23-14 or IC 33-23-16;

(B) certified under IC 12-23-1-6; or

(C) used for the purpose of conducting a recovery or support group meeting;

and at which a drug abuser (as defined in IC 12-7-2-73) may be provided with treatment, care, or rehabilitation.

SECTION 81. IC 35-48-4-10.1, AS ADDED BY P.L.190-2019, SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 10.1. (a) A person who:

(1) knowingly or intentionally:

(A) manufactures;

(B) finances the manufacture of;

(C) delivers;

(D) finances the delivery of; or

(E) possesses;

smokable hemp; or

(2) possesses smokable hemp with intent to:

(A) manufacture;

(B) finance the manufacture of;

(C) deliver; or

(D) finance the delivery of;

smokable hemp;

commits dealing in smokable hemp, a Class A misdemeanor.

(b) Subsection (a)(1)(B), (a)(1)(D), (a)(2)(B), and (a)(2)(D) do not apply to:

(1) a financial institution organized or reorganized under the laws of Indiana, any other state, or the United States; or

(2) any agency or instrumentality of the state or the United States.

(c) Subsection (a)(1)(C), (a)(1)(D), (a)(1)(E), (a)(2)(C), and (a)(2)(D) do not apply to the shipment of smokable hemp from a licensed producer in another state in continuous transit through Indiana to a licensed handler in any state.

SECTION 82. IC 35-48-4-12, AS AMENDED BY P.L.80-2019, SECTION 31, AND AS AMENDED BY P.L.190-2019, SECTION 32, AND AS AMENDED BY THE TECHNICAL CORRECTIONS BILL OF THE 2020 GENERAL ASSEMBLY, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 12. If a person who has no prior conviction of an offense under this article ~~or under a law of another jurisdiction~~ relating to controlled

substances pleads guilty to possession of marijuana, hashish, ~~or~~ salvia, **or** *smokable hemp* ~~*or a synthetic drug or a synthetic drug lookalike substance*~~ as a misdemeanor, the court, without entering a judgment of conviction and with the consent of the person, may defer further proceedings and place the person in the custody of the court under conditions determined by the court. Upon violation of a condition of the custody, the court may enter a judgment of conviction. However, if the person fulfills the conditions of the custody, the court shall dismiss the charges against the person. There may be only one (1) dismissal under this section with respect to a person.

SECTION 83. IC 35-50-1-2, AS AMENDED BY P.L.184-2019, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 2. (a) As used in this section, "crime of violence" means the following:

(1) Murder (IC 35-42-1-1).
(2) Attempted murder (IC 35-41-5-1).
(3) Voluntary manslaughter (IC 35-42-1-3).
(4) Involuntary manslaughter (IC 35-42-1-4).
(5) Reckless homicide (IC 35-42-1-5).
(6) Battery (IC 35-42-2-1) as a:
  (A) Level 2 felony;
  (B) Level 3 felony;
  (C) Level 4 felony; or
  (D) Level 5 felony.
(7) Domestic battery (IC 35-42-2-1.3) as a:
  (A) Level 2 felony;
  (B) Level 3 felony;
  (C) Level 4 felony; or
  (D) Level 5 felony.
~~(7)~~ **(8)** Aggravated battery (IC 35-42-2-1.5).
~~(8)~~ **(9)** Kidnapping (IC 35-42-3-2).
~~(9)~~ **(10)** Rape (IC 35-42-4-1).
~~(10)~~ **(11)** Criminal deviate conduct (IC 35-42-4-2) (before its repeal).
~~(11)~~ **(12)** Child molesting (IC 35-42-4-3).

~~(12)~~ **(13)** Sexual misconduct with a minor as a Level 1 felony under IC 35-42-4-9(a)(2) or a Level 2 felony under IC 35-42-4-9(b)(2).

~~(13)~~ **(14)** Robbery as a Level 2 felony or a Level 3 felony (IC 35-42-5-1).

~~(14)~~ **(15)** Burglary as a Level 1 felony, Level 2 felony, Level 3 felony, or Level 4 felony (IC 35-43-2-1).

~~(15)~~ **(16)** Operating a vehicle while intoxicated causing death or catastrophic injury (IC 9-30-5-5).

~~(16)~~ **(17)** Operating a vehicle while intoxicated causing serious bodily injury to another person (IC 9-30-5-4).

~~(17)~~ **(18)** Child exploitation as a Level 5 felony under IC 35-42-4-4(b) or a Level 4 felony under IC 35-42-4-4(c).

~~(18)~~ **(19)** Resisting law enforcement as a felony (IC 35-44.1-3-1).

~~(19)~~ **(20)** Unlawful possession of a firearm by a serious violent felon (IC 35-47-4-5).

(21) Strangulation (IC 35-42-2-9) as a Level 5 felony.

(b) As used in this section, "episode of criminal conduct" means offenses or a connected series of offenses that are closely related in time, place, and circumstance.

(c) Except as provided in subsection (e) or (f) the court shall determine whether terms of imprisonment shall be served concurrently or consecutively. The court may consider the:

(1) aggravating circumstances in IC 35-38-1-7.1(a); and

(2) mitigating circumstances in IC 35-38-1-7.1(b);

in making a determination under this subsection. The court may order terms of imprisonment to be served consecutively even if the sentences are not imposed at the same time. However, except for crimes of violence, the total of the consecutive terms of imprisonment, exclusive of terms of imprisonment under IC 35-50-2-8 and IC 35-50-2-10 (before its repeal) to which the defendant is sentenced for felony convictions arising out of an episode of criminal conduct shall not exceed the period described in subsection (d).

(d) Except as provided in subsection (c), the total of the consecutive terms of imprisonment to which the defendant is sentenced for felony convictions arising out of an episode of criminal conduct may not exceed the following:

(1) If the most serious crime for which the defendant is sentenced is a Level 6 felony, the total of the consecutive terms of imprisonment may not exceed four (4) years.

(2) If the most serious crime for which the defendant is sentenced is a Level 5 felony, the total of the consecutive terms of imprisonment may not exceed seven (7) years.

(3) If the most serious crime for which the defendant is sentenced is a Level 4 felony, the total of the consecutive terms of imprisonment may not exceed fifteen (15) years.

(4) If the most serious crime for which the defendant is sentenced is a Level 3 felony, the total of the consecutive terms of imprisonment may not exceed twenty (20) years.

(5) If the most serious crime for which the defendant is sentenced is a Level 2 felony, the total of the consecutive terms of imprisonment may not exceed thirty-two (32) years.

(6) If the most serious crime for which the defendant is sentenced is a Level 1 felony, the total of the consecutive terms of imprisonment may not exceed forty-two (42) years.

(e) If, after being arrested for one (1) crime, a person commits another crime:

(1) before the date the person is discharged from probation, parole, or a term of imprisonment imposed for the first crime; or

(2) while the person is released:

(A) upon the person's own recognizance; or

(B) on bond;

the terms of imprisonment for the crimes shall be served consecutively, regardless of the order in which the crimes are tried and sentences are imposed.

(f) If the factfinder determines under IC 35-50-2-11 that a person used a firearm in the commission of the offense for which the person was convicted, the term of imprisonment for the underlying offense and the additional term of imprisonment imposed under IC 35-50-2-11 must be served consecutively.

SECTION 84. IC 35-50-2-1, AS AMENDED BY P.L.20-2018, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1. (a) As used in this chapter, "Level 6 felony conviction" means:

(1) a conviction in Indiana for:

(A) a Class D felony, for a crime committed before July 1, 2014; or

(B) a Level 6 felony, for a crime committed after June 30, 2014; and

(2) a conviction, in any other jurisdiction at any time, with respect to which the convicted person might have been imprisoned for more than one (1) year but less than two and one-half (2 1/2) years.

However, the term does not include a conviction with respect to which the person has been pardoned, or a conviction of a Class A misdemeanor entered under IC 35-38-1-1.5 or section 7(c) or 7(d) of this chapter.

(b) As used in this chapter, "felony conviction" means a conviction, ~~in any jurisdiction~~ at any time, with respect to which the convicted person might have been imprisoned for more than one (1) year. However, it does not include a conviction with respect to which the person has been pardoned, or a conviction of a Class A misdemeanor under section 7(c) of this chapter.

(c) As used in this chapter, "minimum sentence" means:

(1) for murder, forty-five (45) years;

(2) for a Class A felony, for a crime committed before July 1, 2014, twenty (20) years;

(3) for a Class B felony, for a crime committed before July 1, 2014, six (6) years;

(4) for a Class C felony, for a crime committed before July 1, 2014, two (2) years;

(5) for a Class D felony, for a crime committed before July 1, 2014, one-half (1/2) year;

(6) for a Level 1 felony, for a crime committed after June 30, 2014, twenty (20) years;

(7) for a Level 2 felony, for a crime committed after June 30, 2014, ten (10) years;

(8) for a Level 3 felony, for a crime committed after June 30, 2014, three (3) years;

(9) for a Level 4 felony, for a crime committed after June 30, 2014, two (2) years;

(10) for a Level 5 felony, for a crime committed after June 30, 2014, one (1) year; and

(11) for a Level 6 felony, for a crime committed after June 30, 2014, one-half (1/2) year.

SECTION 85. IC 35-50-2-2.2, AS AMENDED BY P.L.252-2017, SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 2.2. (a) Except as provided in subsection (b), (c), (d), or (e), the court may suspend any part of a sentence for a felony.

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

(1) Level 2 felony; or

(2) Level 3 felony.

(c) If:

(1) a person has a prior unrelated felony conviction ~~in any jurisdiction~~ for dealing in a controlled substance that is not marijuana, hashish, hash oil, **or** salvia divinorum; ~~or a synthetic drug, including an attempt or conspiracy to commit the offense;~~ and

(2) the person is convicted of a Level 2 felony under IC 35-48-4-1.1 or IC 35-48-4-1.2;

the court may suspend only that part of a sentence that is in excess of the minimum sentence for the Level 2 felony.

(d) If a person:

(1) is convicted of dealing in heroin as a Level 2 or Level 3 felony under IC 35-48-4-1 or IC 35-48-4-2; and

(2) has a prior unrelated felony conviction;

the court may suspend only that part of a sentence that is in excess of the minimum sentence for the Level 2 or Level 3 felony.

(e) The court may suspend only that part of a sentence for murder or a Level 1 felony conviction that is in excess of the minimum sentence for murder or the Level 1 felony conviction.

SECTION 86. IC 35-50-2-14, AS AMENDED BY P.L.125-2009, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

JULY 1, 2020]: Sec. 14. (a) As used in this section, "sex offense" means a felony conviction

~~(1)~~ under IC 35-42-4-1 through IC 35-42-4-9 or under IC 35-46-1-3.

~~(2) for an attempt or conspiracy to commit an offense described in subdivision (1); or~~

~~(3) for an offense under the laws of another jurisdiction, including a military court, that is substantially similar to an offense described in subdivision (1).~~

(b) The state may seek to have a person sentenced as a repeat sexual offender for a sex offense described in subsection ~~(a)(1) or (a)(2)~~ **(a)** by alleging, on a page separate from the rest of the charging instrument, that the person has accumulated one (1) prior unrelated felony conviction for a sex offense described in subsection (a).

(c) After a person has been convicted and sentenced for a felony described in subsection ~~(a)(1) or (a)(2)~~ **(a)** after having been sentenced for a prior unrelated sex offense described in subsection (a), the person has accumulated one (1) prior unrelated felony sex offense conviction. However, a conviction does not count for purposes of this subsection, if:

(1) it has been set aside; or

(2) it is a conviction for which the person has been pardoned.

(d) If the person was convicted of the sex offense in a jury trial, the jury shall reconvene to hear evidence in the enhancement hearing. If the trial was to the court, or the judgment was entered on a guilty plea, the court alone shall hear evidence in the enhancement hearing.

(e) A person is a repeat sexual offender if the jury (if the hearing is by jury) or the court (if the hearing is to the court alone) finds that the state has proved beyond a reasonable doubt that the person had accumulated one (1) prior unrelated felony sex offense conviction.

(f) The court may sentence a person found to be a repeat sexual offender to an additional fixed term that is the advisory sentence for the underlying offense. However, the additional sentence may not exceed ten (10) years.

SECTION 87. IC 35-50-6-3.1, AS AMENDED BY P.L.44-2016, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

JULY 1, 2020]: Sec. 3.1. (a) This section applies to a person who commits an offense after June 30, 2014.

(b) A person assigned to Class A earns one (1) day of good time credit for each day the person is imprisoned for a crime or confined awaiting trial or sentencing.

(c) A person assigned to Class B earns one (1) day of good time credit for every three (3) days the person is imprisoned for a crime or confined awaiting trial or sentencing.

(d) A person assigned to Class C earns one (1) day of good time credit for every six (6) days the person is imprisoned for a crime or confined awaiting trial or sentencing.

(e) A person assigned to Class D earns no good time credit.

(f) A person assigned to Class P earns one (1) day of good time credit for every four (4) days the person serves on pretrial home detention awaiting trial. **A person assigned to Class P does not earn accrued time for time served on pretrial home detention awaiting trial.**

SECTION 88. IC 35-50-6-3.3, AS AMENDED BY HEA 1120-2020, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 3.3. (a) In addition to any educational credit a person earns under subsection (b), or good time credit a person earns under section 3 or 3.1 of this chapter, a person earns educational credit if the person:

(1) is in credit Class I, Class A, or Class B;

(2) has demonstrated a pattern consistent with rehabilitation; and

(3) successfully completes requirements to obtain one (1) of the following:

(A) A general educational development (GED) diploma under IC 20-20-6 (before its repeal) or IC 22-4.1-18, if the person has not previously obtained a high school diploma.

(B) Except as provided in subsection (o), a high school diploma, if the person has not previously obtained a general educational development (GED) diploma.

(C) An associate degree from an approved postsecondary educational institution (as defined under IC 21-7-13-6(a)) earned during the person's incarceration.

(D) A bachelor degree from an approved postsecondary educational institution (as defined under IC 21-7-13-6(a)) earned during the person's incarceration.

(b) In addition to any educational credit that a person earns under subsection (a), or good time credit a person earns under section 3 or 3.1 of this chapter, a person may earn educational credit if, while confined by the department of correction, the person:

(1) is in credit Class I, Class A, or Class B;

(2) demonstrates a pattern consistent with rehabilitation; and

(3) successfully completes requirements for at least one (1) of the following:

(A) To obtain a certificate of completion of a career and technical or vocational education program approved by the department of correction.

(B) To obtain a certificate of completion of a substance abuse program approved by the department of correction.

(C) To obtain a certificate of completion of a literacy and basic life skills program approved by the department of correction.

(D) To obtain a certificate of completion of a reformative program approved by the department of correction.

(E) An individualized case management plan approved by the department of correction.

(c) The department of correction shall establish admissions criteria and other requirements for programs available for earning educational credit under subsection (b). A person may not earn educational credit under this section for the same program of study. The department of correction, in consultation with the department of workforce development, shall approve a program only if the program is likely to lead to an employable occupation.

(d) The amount of educational credit a person may earn under this section is the following:

(1) Six (6) months for completion of a state of Indiana general educational development (GED) diploma under IC 20-20-6 (before its repeal) or IC 22-4.1-18.

(2) One (1) year for graduation from high school.

(3) Not more than one (1) year for completion of an associate degree.

(4) Not more than two (2) years for completion of a bachelor degree.

(5) Not more than a total of one (1) year, as determined by the department of correction, for the completion of one (1) or more career and technical or vocational education programs approved by the department of correction.

(6) Not more than a total of six (6) months, as determined by the department of correction, for the completion of one (1) or more substance abuse programs approved by the department of correction.

(7) Not more than a total of six (6) months, as determined by the department of correction, for the completion of one (1) or more literacy and basic life skills programs approved by the department of correction.

(8) Not more than a total of six (6) months, as determined by the department of correction, for completion of one (1) or more reformative programs approved by the department of correction. However, a person who is serving a sentence for an offense listed under IC 11-8-8-4.5 may not earn educational credit under this subdivision.

(9) An amount determined by the department of correction under a policy adopted by the department of correction concerning the individualized case management plan, not to exceed the maximum amount described in subsection (j).

However, a person who does not have a substance abuse problem that qualifies the person to earn educational credit in a substance abuse program may earn not more than a total of twelve (12) months of educational credit, as determined by the department of correction, for the completion of one (1) or more career and technical or vocational education programs approved by the department of correction. If a person earns more than six (6) months of educational credit for the completion of one (1) or more career and technical or vocational education programs, the person is ineligible to earn educational credit for the completion of one (1) or more substance abuse programs.

(e) Educational credit earned under this section must be directly proportional to the time served and course work completed while

incarcerated. The department of correction shall adopt rules under IC 4-22-2 necessary to implement this subsection.

(f) Educational credit earned by a person under this section is subtracted from the release date that would otherwise apply to the person by the sentencing court after subtracting all other credit time earned by the person.

(g) A person does not earn educational credit under subsection (a) unless the person completes at least a portion of the degree requirements after June 30, 1993.

(h) A person does not earn educational credit under subsection (b) unless the person completes at least a portion of the program requirements after June 30, 1999.

(i) Educational credit earned by a person under subsection (a) for a diploma or degree completed before July 1, 1999, shall be subtracted from:

(1) the release date that would otherwise apply to the person after subtracting all other credit time earned by the person, if the person has not been convicted of an offense described in subdivision (2); or

(2) the period of imprisonment imposed on the person by the sentencing court, if the person has been convicted of one (1) of the following crimes:

(A) Rape (IC 35-42-4-1).

(B) Criminal deviate conduct (IC 35-42-4-2) (before its repeal).

(C) Child molesting (IC 35-42-4-3).

(D) Child exploitation (IC 35-42-4-4(b) or IC 35-42-4-4(c)).

(E) Vicarious sexual gratification (IC 35-42-4-5).

(F) Child solicitation (IC 35-42-4-6).

(G) Child seduction (IC 35-42-4-7).

(H) Sexual misconduct with a minor (IC 35-42-4-9) as a:

(i) Class A felony, Class B felony, or Class C felony for a crime committed before July 1, 2014; or

(ii) Level 1, Level 2, or Level 4 felony, for a crime committed after June 30, 2014.

(I) Incest (IC 35-46-1-3).

(J) Sexual battery (IC 35-42-4-8).

(K) Kidnapping (IC 35-42-3-2), if the victim is less than eighteen (18) years of age.

(L) Criminal confinement (IC 35-42-3-3), if the victim is less than eighteen (18) years of age.

~~(M) An attempt or a conspiracy to commit a crime listed in clauses (A) through (L).~~

(j) The maximum amount of educational credit a person may earn under this section is the lesser of:

(1) two (2) years; or

(2) one-third (1/3) of the person's total applicable credit time.

(k) Educational credit earned under this section by an offender serving a sentence for stalking (IC 35-45-10-5), a felony against a person under IC 35-42, or for a crime listed in IC 11-8-8-5, shall be reduced to the extent that application of the educational credit would otherwise result in:

(1) postconviction release (as defined in IC 35-40-4-6); or

(2) assignment of the person to a community transition program; in less than forty-five (45) days after the person earns the educational credit.

(l) A person may earn educational credit for multiple degrees at the same education level under subsection (d) only in accordance with guidelines approved by the department of correction. The department of correction may approve guidelines for proper sequence of education degrees under subsection (d).

(m) A person may not earn educational credit:

(1) for a general educational development (GED) diploma if the person has previously earned a high school diploma; or

(2) for a high school diploma if the person has previously earned a general educational development (GED) diploma.

(n) A person may not earn educational credit under this section if the person:

(1) commits an offense listed in IC 11-8-8-4.5 while the person is required to register as a sex or violent offender under IC 11-8-8-7; and

(2) is committed to the department of correction after being convicted of the offense listed in IC 11-8-8-4.5.

(o) For a person to earn educational credit under subsection (a)(3)(B) for successfully completing the requirements for a high school diploma through correspondence courses, each correspondence course must be approved by the department before the person begins the correspondence course. The department may approve a correspondence course only if the entity administering the course is recognized and accredited by the department of education in the state where the entity is located.

(p) The department of correction shall, before May 1, 2023, submit a report to the legislative council, in an electronic format under IC 5-14-6, concerning the implementation of the individualized case management plan. The report must include the following:

(1) The ratio of case management staff to offenders participating in the individualized case management plan as of January 1, 2023.

(2) The average number of days awarded to offenders participating in the individualized case management plan from January 1, 2022, through December 31, 2022.

(3) The percentage of the prison population currently participating in an individualized case management plan as of January 1, 2023.

(4) Any other data points or information related to the status of the implementation of the individualized case management plan.

This subsection expires June 30, 2023.

SECTION 89. IC 36-1-9.5-48 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 48. (a) An entity may revoke a certificate of qualification only if the entity determines that the contractor or subcontractor has done at least one (1) of the following:

(1) Fails to timely pay or satisfactorily settle any bills due for labor and material on former or existing contracts.

(2) Violates:

(A) a state or federal statute; or

(B) a rule or regulation of a state or federal department, board, bureau, agency, or commission.

(3) Defaults on a contract.

(4) Fails to enter into a contract with the entity.

(5) Falsifies any document required by the entity, the state board of accounts, or any other agency.

(6) Is convicted of a bidding crime. ~~in any jurisdiction.~~

(7) Enters a plea of guilty or nolo contendere to a bidding crime in any state.

(8) Does any of the following:

(A) Makes a public admission concerning a bidding crime in any state.

(B) Makes a presentation as an unindicted co-conspirator in a bidding crime in any state.

(C) Gives testimony that is protected by a grant of immunity in a trial for a bidding crime in any jurisdiction.

(9) Fails to perform any part of an existing or previous contract.

(10) Fails to submit in a timely manner information, documented explanations, or evidence required in the contract documents or proposal.

(11) Has been debarred by a federal agency.

(12) Failed to comply with any proposal requirements established by the entity concerning disadvantaged business enterprise goals or women business enterprise goals.

(b) An entity shall provide notification of a pending action for revocation in writing, setting forth the grounds for the proposed certificate revocation. The revocation becomes effective on the date determined by the entity.

(c) A period of disqualification under this chapter may not exceed two (2) years.

SECTION 90. [EFFECTIVE JULY 1, 2020] **(a) The legislative services agency shall prepare legislation for introduction in the 2021 regular session of the general assembly to make appropriate amendments to the Indiana Code necessary to conform with this act.**

(b) This SECTION expires June 30, 2021.

P.L.143-2020
[S.365. Approved March 21, 2020.]

AN ACT to amend the Indiana Code concerning local government.

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

SECTION 1. IC 36-1-1.5-2, AS AMENDED BY P.L.249-2015, SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. As used in this chapter, "eligible municipality" means a municipality that:

(1) includes any territory located in a township for which the township assistance property tax rate for property taxes first due and payable ~~in 2015 or~~ in any year ~~thereafter~~ **after 2014 and before 2024** is more than:

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

(B) twelve (12); and

(2) is adjacent to one (1) or more townships other than the township described in subdivision (1).

SECTION 2. IC 36-1-1.5-9, AS AMENDED BY P.L.129-2019, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. The following apply if at least two-thirds (2/3) of the voters voting in a special election under this chapter vote "yes" on the public question under this chapter:

(1) The legislative body of the eligible municipality may, within ~~one (1) year~~ **two (2) years** after the special election, submit a petition to one (1) or more adjacent townships requesting an adjacent township to accept the transfer of the territory of the eligible municipality that is within the transferor township.

(2) The legislative body of an adjacent township that receives a petition under subdivision (1) may adopt a resolution accepting the transfer of the territory of the eligible municipality that is within the transferor township and specifying the date on which the transfer is effective, **if the legislative body of the adjacent township adopts a resolution accepting the transfer of the territory of the eligible municipality before the later of:**

(A) December 31 of the calendar year in which the petition under subdivision (1) is received; or

(B) the ninetieth day following the date on which the petition under subdivision (1) is received.

~~However, the legislative body of the adjacent township may adopt a resolution accepting the transfer of the territory of the eligible municipality only within the two (2) year period following the date on which the legislative body receives the petition.~~

(3) If the legislative body of the eligible municipality submits ~~a petition~~ **one (1) or more petitions** to one (1) or more adjacent townships under subdivision (1) within ~~one (1) year~~ **two (2) years** after the special election, but a resolution accepting the transfer of the territory of the eligible municipality within the transferor township is not adopted by the legislative body of an adjacent township ~~within the two (2) year period following the date on which the last legislative body of a township receives such a petition:~~

~~(A) the territory of the eligible municipality may not be transferred under this chapter; and~~

~~(B) a subsequent special election under this chapter may not be held in the eligible municipality.~~

before July 1, 2020, the territory of the eligible municipality is automatically transferred to and becomes part of the adjacent township with the greatest assessed value. A transfer under this subdivision is effective January 1, 2022, and the assessed value of property located in the territory of the eligible municipality that is located in the transferor township shall be used in preparing the 2022 budget of the receiving township.

(4) If the legislative body of the eligible municipality does not submit a petition to one (1) or more adjacent townships under subdivision (1) within ~~one (1) year~~ **two (2) years** after the special election:

(A) the territory of the eligible municipality may not be transferred under this chapter; and

(B) a subsequent special election under this chapter may not be held in the eligible municipality.

(5) If the transferor township issues or otherwise incurs indebtedness after June 30, 2020, the transferring township excluding the eligible municipality is obligated to repay the indebtedness and the eligible municipality is not obligated to repay the indebtedness.

SECTION 3. IC 36-1-1.5-15 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 15. This chapter expires January 1, 2024.**

SECTION 4. **An emergency is declared for this act.**

P.L.144-2020
[S.367. Approved March 21, 2020.]

AN ACT to amend the Indiana Code concerning local government.

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

SECTION 1. IC 36-7.5-2-3, AS AMENDED BY P.L.248-2017, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) The development authority is governed by the development board appointed under this section.

(b) Except as provided in subsections (e), (f), and (h), the development board is composed of the following ~~seven (7)~~ **ten (10)** members:

(1) Two (2) members appointed by the governor. One (1) of the members appointed by the governor under this subdivision must be an individual nominated under subsection (d). The members appointed by the governor under this subdivision serve at the pleasure of the governor.

(2) The following members from a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000):

(A) One (1) member appointed by the mayor of the largest city in the county in which a riverboat is located.

(B) One (1) member appointed by the mayor of the second largest city in the county in which a riverboat is located.

(C) One (1) member appointed by the mayor of the third largest city in the county in which a riverboat is located.

(D) One (1) member appointed jointly by the county executive and the county fiscal body. A member appointed under this clause may not reside in a city described in clause (A), (B), or (C).

(3) One (1) member appointed jointly by the county executive and county fiscal body of a county having a population of more than one hundred fifty thousand (150,000) but less than one hundred seventy thousand (170,000).

(4) The following three (3) members appointed under subsection (j):

(A) One (1) member appointed from Lake County.

(B) One (1) member appointed from Porter County.

(C) One (1) member appointed from LaPorte County.

The members appointed under this subdivision may only vote on matters that pertain strictly to a transit development district established under IC 36-7.5-4.5-17.

(c) A member appointed to the development board must have knowledge and at least five (5) years professional work experience in at least one (1) of the following:

(1) Rail transportation or air transportation.

(2) Regional economic development.

(3) Business or finance.

(d) The mayor of the largest city in a county having a population of more than one hundred fifty thousand (150,000) but less than one hundred seventy thousand (170,000) shall nominate three (3) residents of the county for appointment to the development board. One (1) of the governor's initial appointments under subsection (b)(1) must be an individual nominated by the mayor. At the expiration of the member's term, the mayor of the second largest city in the county shall nominate three (3) residents of the county for appointment to the development board. One (1) of the governor's appointments under subsection (b)(1) must be an individual nominated by the mayor. Thereafter, the authority to nominate the three (3) individuals from among whom the governor shall make an appointment under subsection (b)(1) shall alternate between the mayors of the largest and the second largest city in the county at the expiration of a member's term.

(e) A county having a population of more than one hundred eleven thousand (111,000) but less than one hundred fifteen thousand (115,000) shall be an eligible county participating in the development authority if the fiscal body of the county adopts an ordinance providing that the county is joining the development authority and the fiscal body of a city that is located in the county and that has a population of more than thirty-one thousand (31,000) but less than thirty-one thousand five hundred (31,500) adopts an ordinance providing that the city is joining the development authority. Notwithstanding subsection (b), if ordinances are adopted under this subsection and the county becomes an eligible county participating in the development authority:

(1) the development board shall be composed of ~~nine (9)~~ **twelve (12)** members rather than ~~seven (7)~~ **ten (10)** members; and

(2) the additional two (2) members shall be appointed in the following manner:

(A) One (1) additional member shall be appointed by the governor and shall serve at the pleasure of the governor. The member appointed under this clause must be an individual nominated under subsection (f).

(B) One (1) additional member shall be appointed jointly by the county executive and county fiscal body.

(f) This subsection applies only if the county described in subsection (e) is an eligible county participating in the development authority. The mayor of the largest city in the county described in subsection (e) shall nominate three (3) residents of the county for appointment to the development board. The governor's initial appointment under subsection (e)(2)(A) must be an individual nominated by the mayor. At the expiration of the member's term, the mayor of the second largest city in the county described in subsection (e) shall nominate three (3) residents of the county for appointment to the development board. The governor's second appointment under subsection (e)(2)(A) must be an individual nominated by the mayor. Thereafter, the authority to nominate the three (3) individuals from among whom the governor shall make an appointment under subsection (e)(2)(A) shall alternate between the mayors of the largest and the second largest city in the county at the expiration of a member's term.

(g) An individual or entity required to make an appointment under subsection (b) or nominations under subsection (d) must make the initial appointment before September 1, 2005, or the initial nomination before August 15, 2005. If an individual or entity does not make an initial appointment under subsection (b) before September 1, 2005, or the initial nominations required under subsection (d) before September 1, 2005, the governor shall instead make the initial appointment.

(h) Subsection (i) applies only to municipalities located in a county that:

(1) has a population of more than one hundred fifty thousand (150,000) but less than one hundred seventy thousand (170,000); and

(2) was a member of the development authority on January 1, 2009, and subsequently ceases to be a member of the development authority.

(i) If the fiscal bodies of at least two (2) municipalities subject to this subsection adopt ordinances to become members of the development authority, those municipalities shall become members of the development authority. If two (2) or more municipalities become members of the development authority under this subsection, the fiscal bodies of the municipalities that become members of the development authority shall jointly appoint one (1) member of the development board

who shall serve in place of the member described in subsection (b)(3). A municipality that becomes a member of the development authority under this subsection is considered an eligible municipality for purposes of this article.

(j) The governor shall appoint three (3) members to the development board as follows:

(1) The initial appointment of one (1) member shall be selected out of a list of three (3) nominations from the county executive of Lake County. The nominations shall be transmitted to the governor before July 1, 2020. If the county executive of Lake County does not make the initial nominations by July 1, 2020, the governor shall instead make the initial appointment. After the expiration of the term of a member appointed under this subdivision, or if a vacancy occurs before the end of the term of a member appointed under this subdivision, the county executive of Lake County shall transmit a list of three (3) nominations to the governor not later than ninety (90) days after the expiration or the vacancy occurs. The governor shall appoint one (1) member out of the list of three (3) nominations, or, if the county executive of Lake County does not make the nominations within ninety (90) days after the expiration or the vacancy occurs, the governor shall instead make the appointment. A member appointed under this subdivision must be a resident of Lake County.

(2) The initial appointment of one (1) member shall be selected out of a list of three (3) nominations from the county executive of Porter County. The nominations shall be transmitted to the governor before July 1, 2020. If the county executive of Porter County does not make the initial nominations by July 1, 2020, the governor shall instead make the initial appointment. After the expiration of the term of a member appointed under this subdivision, or if a vacancy occurs before the end of the term of a member appointed under this subdivision, the county executive of Porter County shall transmit a list of three (3) nominations to the governor not later than ninety (90) days after the expiration or the vacancy occurs. The governor shall appoint one (1) member out of the list of three (3)

nominations, or, if the county executive of Porter County does not make the nominations within ninety (90) days after the expiration or the vacancy occurs, the governor shall instead make the appointment. A member appointed under this subdivision must be a resident of Porter County.

(3) The initial appointment of one (1) member shall be selected out of a list of three (3) nominations from the county executive of LaPorte County. The nominations shall be transmitted to the governor before July 1, 2020. If the county executive of LaPorte County does not make the initial nominations by July 1, 2020, the governor shall instead make the initial appointment. After the expiration of the term of a member appointed under this subdivision, or if a vacancy occurs before the end of the term of a member appointed under this subdivision, the county executive of LaPorte County shall transmit a list of three (3) nominations to the governor not later than ninety (90) days after the expiration or the vacancy occurs. The governor shall appoint one (1) member out of the list of three (3) nominations, or, if the county executive of LaPorte County does not make the nominations within ninety (90) days after the expiration or the vacancy occurs, the governor shall instead make the appointment. A member appointed under this subdivision must be a resident of LaPorte County.

SECTION 2. IC 36-7.5-2-4, AS AMENDED BY P.L.47-2006, SECTION 56, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) Except as provided in subsection (b) for the initial appointments to the development board, a member appointed to the development board serves a four (4) year term. However, a member serves at the pleasure of the appointing authority. A member may be reappointed to subsequent terms.

(b) The terms of the initial members appointed to the development board are as follows:

(1) The initial member appointed by the governor who is not nominated under section 3(d) or 3(f) of this chapter shall serve a term of four (4) years.

(2) The initial member appointed by the governor who is nominated under section 3(d) of this chapter shall serve a term of two (2) years. If a member is appointed under section 3(e)(2)(A) of this chapter, the initial member who is appointed under that provision shall serve a term of two (2) years.

(3) The initial member appointed under section 3(b)(2)(D) of this chapter shall serve a term of three (3) years.

(4) The initial member appointed under section 3(b)(3) of this chapter shall serve a term of three (3) years.

(5) The initial members appointed under section 3(b)(2)(A) through 3(b)(2)(C) of this chapter shall serve a term of two (2) years.

(6) If a member is appointed under section 3(e)(2)(B) of this chapter, the initial member appointed under that provision shall serve a term of three (3) years.

(c) **Subject to section 3(j) of this chapter,** if a vacancy occurs on the development board, the appointing authority that made the original appointment shall fill the vacancy by appointing a new member for the remainder of the vacated term.

(d) Each member appointed to the development board, before entering upon the duties of office, must take and subscribe an oath of office under IC 5-4-1, which shall be endorsed upon the certificate of appointment and filed with the records of the development board.

(e) A member appointed to the development board is not entitled to receive any compensation for performance of the member's duties. However, a member is entitled to a per diem from the development authority for the member's participation in development board meetings. The amount of the per diem is equal to the amount of the per diem provided under IC 4-10-11-2.1(b).

SECTION 3. IC 36-7.5-2-6, AS AMENDED BY P.L.192-2015, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. **(a) The development authority is a public agency for purposes of IC 5-14-1.5 and IC 5-14-3. The development board is a governing body for purposes of IC 5-14-1.5.**

~~(a)~~ **(b)** The development board shall meet at least quarterly.

~~(b)~~ **(c)** The chair of the development board or any two (2) members of the development board may call a special meeting of the development board.

~~(c)~~ **(d)** Five (5) members of the development board constitute a quorum. However, if the county described in section 3(e) of this chapter is an eligible county participating in the development authority, six (6) members of the development board constitute a quorum.

~~(d)~~ **(e) Except as provided in subsection (h),** the affirmative votes of at least five (5) members of the development board are necessary to authorize any action of the development authority. However, if the county described in section 3(e) of this chapter is an eligible county participating in the development authority, the affirmative votes of at least six (6) members of the development board are necessary to authorize any action of the development authority.

~~(e)~~ **(f)** Notwithstanding any other provision of this article, the minimum number of affirmative votes required under subsection ~~(d)~~ **(e)** to take any of the following actions must include the affirmative vote of the member appointed by the governor who is not nominated under section 3(d) or 3(f) of this chapter:

(1) Making loans, loan guarantees, or grants or providing any other funding or financial assistance for projects.

(2) Acquiring or condemning property.

(3) Entering into contracts.

(4) Employing an executive director or any consultants or technical experts.

(5) Issuing bonds or entering into a lease of a project.

~~(f)~~ **(g)** A member of the board may not:

(1) designate another individual to attend a board meeting on behalf of the member in the member's absence; or

(2) allow another member of the board to cast a proxy vote on behalf of the member in the member's temporary absence from a meeting.

(h) This subsection only applies to a vote on matters that pertain strictly to a transit development district established under IC 36-7.5-4.5-17 on which the members of the development board appointed under section 3(b)(4) may cast a vote. The affirmative

votes of at least six (6) members of the development board are necessary to authorize any action of the development authority.

SECTION 4. IC 36-7.6-2-11, AS ADDED BY P.L.232-2007, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 11. **(a) A development authority is a public agency for purposes of IC 5-14-1.5 and IC 5-14-3. A development board is a governing body for purposes of IC 5-14-1.5.**

~~(a)~~ **(b)** A development board shall meet at least quarterly.

~~(b)~~ **(c)** The chair of a development board or any two (2) members of a development board may call a special meeting of the development board.

~~(c)~~ **(d)** A majority of the appointed members of a development board constitutes a quorum.

~~(d)~~ **(e)** The affirmative votes of at least a majority of the appointed members of a development board are necessary to authorize any action of the development authority.

SECTION 5. **An emergency is declared for this act.**

P.L.145-2020
[S.406. Approved March 21, 2020.]

AN ACT to amend the Indiana Code concerning pensions.

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

SECTION 1. IC 5-10-5.5-0.1, AS ADDED BY P.L.220-2011, SECTION 64, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 0.1. (a) As used in this section, "plan" refers to the state excise police, gaming agent, gaming control officer, and conservation enforcement officers' retirement plan established by section 2 of this chapter.

(b) The following amendments to this chapter apply as follows:

(1) The addition of section 7.5 of this chapter by P.L.180-2007 applies after June 30, 2007, to active participants of the plan.

(2) The amendments made to section 8 of this chapter by P.L.180-2007 apply after June 30, 2007, to active participants of the plan.

(3) The amendments made to sections 10, 11, and 12 of this chapter by P.L.180-2007 apply to participants of the plan who retire after June 30, 2007.

(4) The amendments made to sections 7 and 13.5 of this chapter by P.L.180-2007 apply to participants of the plan who become disabled after June 30, 2007.

(5) The addition of section 22 of this chapter by P.L.128-2008 applies only to a participant in the plan who is in active service after June 30, 2008.

(6) The amendments made to sections 9 and 10 of this chapter by P.L.128-2008 apply only to a participant in the plan who is in active service after June 30, 2008.

(7) The amendments made to section 22 of this chapter during the 2020 regular session of the general assembly apply only to a participant who:

(A) enters the DROP, before, on, or after June 30, 2020; and

(B) dies after June 30, 2020.

SECTION 2. IC 5-10-5.5-22, AS ADDED BY P.L.128-2008, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 22. (a) As used in this section, "DROP" refers to a deferred retirement option plan established under this section.

(b) As used in this section, "DROP entry date" means the date that a participant's election to enter a DROP becomes effective.

(c) As used in this section, "DROP frozen benefit" refers to an annual retirement allowance computed under section 10 of this chapter based on a participant's:

(1) average annual salary; and

(2) years of creditable service;

on the date the participant enters the DROP.

(d) As used in this section, "DROP retirement date" means the future retirement date selected by a participant at the time the participant elects to enter the DROP.

(e) Only a participant who is eligible to receive an unreduced annual retirement allowance immediately upon termination of employment may elect to enter a DROP. A participant who elects to enter the DROP must agree to the following:

(1) The participant shall execute an irrevocable election to retire on the DROP retirement date and must remain in active service until that date.

(2) While in the DROP, the participant shall continue to make contributions under section 8 of this chapter.

(3) The participant shall select a DROP retirement date not less than twelve (12) months and not more than thirty-six (36) months after the participant's DROP entry date.

(4) The participant may not remain in the DROP after the date the participant reaches the mandatory retirement age under section 9 of this chapter.

(5) The participant may make an election to enter the DROP only once in the participant's lifetime.

(f) Contributions or payments provided by the general assembly under section 4(b)(4) of this chapter continue for a participant while the participant is in the DROP.

(g) A participant shall exit the DROP on the earliest of the following:

(1) The participant's DROP retirement date.

(2) Thirty-six (36) months after the participant's DROP entry date.

(3) The participant's mandatory retirement age.

(4) The date the participant retires because of a disability as provided by subsection (k).

(h) A participant who retires on the participant's DROP retirement date or on the date the participant retires because of a disability as provided by subsection (k) may elect to receive an annual retirement allowance:

(1) computed under section 10 of this chapter as if the participant had never entered the DROP; or

(2) consisting of:

(A) the DROP frozen benefit; plus

(B) an additional amount, paid as the participant elects under subsection (i), determined by multiplying:

(i) the DROP frozen benefit; by

(ii) the number of months the participant was in the DROP.

(i) The participant shall elect, at the participant's retirement, to receive the additional amount calculated under subsection (h)(2)(B) in one (1) of the following ways:

(1) A lump sum paid on:

(A) the participant's DROP retirement date; or

(B) the date the participant retires because of a disability as provided by subsection (k).

(2) Three (3) equal annual payments:

(A) commencing on:

(i) the participant's DROP retirement date; or

(ii) the date the participant retires because of a disability as provided by subsection (k); and

(B) thereafter paid on:

(i) the anniversary of the participant's DROP retirement date; or

(ii) the date the participant retires because of a disability as provided by subsection (k).

(j) A cost of living increase determined under section 21(c) of this chapter does not apply to the additional amount calculated under subsection (h)(2)(B) at the participant's DROP retirement date or the date the participant retires because of a disability as provided by subsection (k). No cost of living increase is applied to a DROP frozen benefit while the participant is in the DROP. After the participant's DROP retirement date or the date the participant retires because of a disability as provided by subsection (k), cost of living increases determined under section 21(c) of this chapter apply to the participant's annual retirement allowance computed under this section.

(k) If a participant becomes disabled, in the line of duty or other than in the line of duty while in the DROP, the participant's annual retirement allowance is computed as follows:

(1) If the participant retires because of a disability less than twelve (12) months after the date the participant enters the DROP, the

participant's annual retirement allowance is calculated as if the participant had never entered the DROP.

(2) If the participant retires because of a disability at least twelve (12) months after the date the participant enters the DROP, the participant's annual retirement allowance is calculated under this section, and the participant's retirement date is the date the member retires because of a disability rather than the participant's DROP retirement date.

(l) If, before payment of the participant's annual retirement allowance begins, the participant dies in the line of duty or other than in the line of duty, death benefits are payable **to the participant's surviving spouse. If there is no surviving spouse, the death benefits must be divided equally among the participant's surviving children. If there are no surviving children, the death benefits are paid to the participant's parents. If there are no surviving parents, the death benefits are paid to the participant's estate. The death benefits are determined** as follows:

(1) If the participant dies less than twelve (12) months after the date the participant enters the DROP, the death benefits are calculated as if the participant had never entered the DROP.

(2) If the participant dies at least twelve (12) months after the date the participant enters the DROP, the death benefits consist of both of the following:

~~(1)~~ **(A) At the election of the survivor or survivors to whom the benefit is payable,** the benefit calculated under subsection (h)(2)(B) is paid in **either:**

(i) a lump sum; ~~to the participant's surviving spouse. If there is no surviving spouse, the lump sum must be divided equally among the participant's surviving children. If there are no surviving children, the lump sum is paid to the participant's parents. If there are no surviving parents, the lump sum is paid to the participant's estate.~~ **or**

(ii) three (3) equal annual payments, the first as soon as practicable after the date of the participant's death, the second on the first anniversary of the participant's

death, and the third on the second anniversary of the participant's death.

~~(2)~~ **(B)** A benefit is paid on the DROP frozen benefit under the terms of the retirement plan created by this chapter.

(m) Except as provided under subsections (k) and (l), the annual retirement allowance for a participant who exits the DROP for any reason other than retirement on the participant's DROP retirement date is calculated as if the participant had never entered the DROP.

SECTION 3. IC 36-8-8.5-0.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 0.1. The amendments made to section 15 of this chapter during the 2020 regular session of the general assembly apply only to a member who:**

(1) enters the DROP, before, on, or after June 30, 2020; and

(2) dies after June 30, 2020.

SECTION 4. IC 36-8-8.5-14, AS AMENDED BY THE TECHNICAL CORRECTIONS BILL OF THE 2020 GENERAL ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 14. (a) Subject to subsection (b), a member who enters the DROP established by this chapter shall exit the DROP at the earliest of:

(1) the member's DROP retirement date;

(2) thirty-six (36) months after the member's DROP entry date;

(3) the mandatory retirement age applicable to the member, if any; **or**

(4) the date the member retires because of a disability as provided under section 16.5(d) of this chapter. ~~or~~

~~(5) the date determined under IC 36-8-8-24.8 **(before its expiration).**~~

(b) A member of the 1925 fund, the 1937 fund, or the 1953 fund who enters the DROP established by this chapter must exit the DROP on the date the authority of the board of trustees of the Indiana public retirement system to distribute from the pension relief fund established under IC 5-10.3-11-1 to units of local government (described in IC 5-10.3-11-3) amounts determined under IC 5-10.3-11-4.7 expires.

SECTION 5. IC 36-8-8.5-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 15. **(a)** If a member dies

~~(1)~~ in the line of duty or

~~(2)~~ other than in the line of duty

while the member is in the DROP, benefits for the member's survivors are calculated under the provisions of the applicable fund as **follows:**

(1) If **the member dies less than twelve (12) months after the date the member enters the DROP, the benefits for the member's survivors are calculated as if** the member had never entered the DROP.

(2) If the member dies at least twelve (12) months after the date the member enters the DROP, the benefits for the member's survivors consist of both of the following:

(A) A benefit for the member's survivors paid by and calculated under the provisions of the applicable fund as if the member had never entered the DROP.

(B) An additional, separate amount that is not calculated as a part of a benefit for the member's survivors from the applicable fund and that is:

(i) calculated under subsection (b); and

(ii) paid to the member's survivors in accordance with the survivor's election under subsection (c).

(b) The additional, separate amount of the benefit for a member's survivors that is described in subsection (a)(2)(B) is equal to:

(1) the amount of the DROP frozen benefit; multiplied by

(2) the number of months that the member was in the DROP.

(c) The survivors of a member who are eligible to receive the additional, separate amount described in subsection (a)(2)(B) must elect to receive the additional, separate amount by either of the following methods:

(1) A lump sum paid as soon as practicable after the member's death.

(2) Three (3) equal annual payments, the first as soon as practicable after the date of the member's death, the second

on the first anniversary of the member's death, and the third on the second anniversary of the member's death.

P.L.146-2020
[S.408. Approved March 21, 2020.]

AN ACT to amend the Indiana Code concerning taxation.

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

SECTION 1. IC 4-38-2-2, AS ADDED BY P.L.293-2019, SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 2. "Adjusted gross receipts" means:

(1) the total of all cash and property (including checks received by a certificate holder, whether collected or not) received **from authorized sports wagering offered** by a certificate holder; ~~from sports wagering;~~ minus

(2) the total of:

(A) all cash paid out as winnings to sports wagering patrons, including the cash equivalent of any merchandise or thing of value awarded as a prize; and

(B) uncollectible gaming receivables, not to exceed the lesser of:

(i) a reasonable provision for uncollectible patron checks received from sports wagering; 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 sports wagering 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 certificate holder from sports wagering.

SECTION 2. IC 6-2.5-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1. (a) Except as provided in subsection (b) **or (c),** "unitary transaction" includes all items of personal property and services which are furnished under a single order or agreement and for which a total combined charge or price is calculated.

(b) "Unitary transaction" does not include a transaction that meets one (1) of the exceptions in section 11.5(d) of this chapter.

~~(b)~~ **(c)** "Unitary transaction" as it applies to the furnishing of public utility commodities or services means the public utility commodities and services which are invoiced in a single bill or statement for payment by the consumer.

SECTION 3. IC 6-2.5-1-5, AS AMENDED BY P.L.188-2018, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 5. (a) Except as provided in subsection (b), "gross retail income" means the total amount of consideration, including cash, credit, property, and services, for which tangible personal property is sold, leased, or rented, valued in money, whether received in money or otherwise, without any deduction for:

(1) the seller's cost of the property sold;

(2) the cost of materials used, labor or service cost, interest, losses, all costs of transportation to the seller, all taxes imposed on the seller, and any other expense of the seller;

(3) charges by the seller for any services necessary to complete the sale, other than delivery and installation charges;

(4) delivery charges; or

(5) consideration received by the seller from a third party if:

(A) the seller actually receives consideration from a party other than the purchaser and the consideration is directly related to a price reduction or discount on the sale;

(B) the seller has an obligation to pass the price reduction or discount through to the purchaser;

(C) the amount of the consideration attributable to the sale is fixed and determinable by the seller at the time of the sale of the item to the purchaser; and

(D) the price reduction or discount is identified as a third party price reduction or discount on the invoice received by the

purchaser or on a coupon, certificate, or other documentation presented by the purchaser.

For purposes of subdivision (4), delivery charges are charges by the seller for preparation and delivery of the property to a location designated by the purchaser of property, including but not limited to transportation, shipping, postage charges that are not separately stated on the invoice, bill of sale, or similar document, handling, crating, and packing. Delivery charges do not include postage charges that are separately stated on the invoice, bill of sale, or similar document.

(b) "Gross retail income" does not include that part of the gross receipts attributable to:

(1) the value of any tangible personal property received in a like kind exchange in the retail transaction, if the value of the property given in exchange is separately stated on the invoice, bill of sale, or similar document given to the purchaser;

(2) the receipts received in a retail transaction which constitute interest, finance charges, or insurance premiums on either a promissory note or an installment sales contract;

(3) discounts, including cash, terms, or coupons that are not reimbursed by a third party that are allowed by a seller and taken by a purchaser on a sale;

(4) interest, financing, and carrying charges from credit extended on the sale of personal property if the amount is separately stated on the invoice, bill of sale, or similar document given to the purchaser;

(5) any taxes legally imposed directly on the consumer that are separately stated on the invoice, bill of sale, or similar document given to the purchaser, including an excise tax imposed under IC 6-6-15;

(6) installation charges that are separately stated on the invoice, bill of sale, or similar document given to the purchaser;

(7) telecommunications nonrecurring charges; ~~or~~

(8) postage charges that are separately stated on the invoice, bill of sale, or similar document; **or**

(9) charges for serving or delivering food and food ingredients furnished, prepared, or served for consumption at a location, or on equipment, provided by the retail merchant, to the

extent that the charges for the serving or delivery are stated separately from the price of the food and food ingredients when the purchaser pays the charges.

(c) Notwithstanding subsection (b)(5):

(1) in the case of retail sales of special fuel (as defined in IC 6-6-2.5-22), the gross retail income is the total sales price of the special fuel minus the part of that price attributable to tax imposed under IC 6-6-2.5 or Section 4041 or Section 4081 of the Internal Revenue Code; and

(2) in the case of retail sales of cigarettes (as defined in IC 6-7-1-2), the gross retail income is the total sales price of the cigarettes including the tax imposed under IC 6-7-1.

(d) Gross retail income is only taxable under this article to the extent that the income represents:

(1) the price of the property transferred, without the rendition of any services; and

(2) except as provided in subsection (b), any bona fide changes which are made for preparation, fabrication, alteration, modification, finishing, completion, delivery, or other service performed in respect to the property transferred before its transfer and which are separately stated on the transferor's records. For purposes of this subdivision, a transfer is considered to have occurred after the delivery of the property to the purchaser.

~~(c)~~ **(e)** A public utility's or a power subsidiary's gross retail income includes all gross retail income received by the public utility or power subsidiary, including any minimum charge, flat charge, membership fee, or any other form of charge or billing.

SECTION 4. IC 6-2.5-1-11.5, AS ADDED BY P.L.153-2006, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 11.5. (a) This section applies to retail transactions occurring after December 31, 2007.

(b) "Bundled transaction" means a retail sale of two (2) or more products, except real property and services to real property, that are:

(1) distinct;

(2) identifiable; and

(3) sold for one (1) nonitemized price.

(c) The term does not include a retail sale in which the sales price of a product varies, or is negotiable, based on other products that the purchaser selects for inclusion in the transaction.

(d) The term does not include a retail sale that:

(1) is comprised of:

(A) a service that is the true object of the transaction; and

(B) tangible personal property that:

(i) is essential to the use of the service; and

(ii) is provided exclusively in connection with the service;

(2) includes both taxable and nontaxable products in which:

(A) the seller's purchase price; or

(B) the sales price;

of the taxable products does not exceed ten percent (10%) of the total purchase price or the total sales price of the bundled products; or

(3) includes both exempt tangible personal property and taxable tangible personal property:

(A) any of which is classified as:

(i) food and food ingredients;

(ii) drugs;

(iii) durable medical equipment;

(iv) mobility enhancing equipment;

(v) over-the-counter drugs;

(vi) prosthetic devices; or

(vii) medical supplies; and

(B) for which:

(i) the seller's purchase price; or

(ii) the sales price;

of the taxable tangible personal property is fifty percent (50%) or less of the total purchase price or the total sales price of the bundled tangible personal property.

The determination under clause (B) must be made on the basis of either individual item purchase prices or individual item sale prices.

(e) A transaction that meets one (1) of the exceptions in subsection (d) shall be excluded from the definition of unitary transaction under section 1(a) of this chapter.

SECTION 5. IC 6-2.5-2-1, AS AMENDED BY P.L.108-2019, SECTION 108, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1. (a) An excise tax, known as the state gross retail tax, is imposed on retail transactions made in Indiana.

(b) The person who acquires property in a retail transaction is liable for the tax on the transaction and, except as otherwise provided in this chapter, shall pay the tax to the retail merchant as a separate added amount to the consideration in the transaction. ~~The~~ **A** retail merchant **that has either physical presence in Indiana as described in subsection (c) or that meets one (1) or both of the thresholds in subsection (d)** shall collect the tax as agent for the state.

(c) A retail merchant has physical presence in Indiana when the retail merchant:

(1) maintains an office, place of distribution, sales location, sample location, warehouse, storage place, or other place of business which is located in Indiana and which the retail merchant maintains, occupies, or uses, either permanently or temporarily, either directly or indirectly, and either by the retail merchant or through a representative, agent, or subsidiary;

(2) maintains a representative, agent, salesperson, canvasser, or solicitor who, while operating in Indiana under the authority of and on behalf of the retail merchant or a subsidiary of the retail merchant, sells, delivers, installs, repairs, assembles, sets up, accepts returns of, bills, invoices, or takes orders for sales of tangible personal property or services to be used, stored, or consumed in Indiana; or

(3) is otherwise required to register as a retail merchant under IC 6-2.5-8-1.

~~(c)~~ **(d)** A retail merchant that does not have a physical presence in Indiana shall, as an agent for the state, collect the gross retail tax on a retail transaction made in Indiana, remit the gross retail tax as provided in this article, and comply with all applicable procedures and requirements of this article as if the retail merchant has a physical presence in Indiana, if the retail merchant meets either of the following conditions for the calendar year in which the retail transaction is made

or for the calendar year preceding the calendar year in which the retail transaction is made:

(1) The retail merchant's gross revenue from any combination of:

(A) the sale of tangible personal property that is delivered into Indiana;

(B) a product transferred electronically into Indiana; or

(C) a service delivered in Indiana;

exceeds one hundred thousand dollars ($100,000).

(2) The retail merchant sells any combination of:

(A) tangible personal property that is delivered into Indiana;

(B) a product transferred electronically into Indiana; or

(C) a service delivered in Indiana;

in two hundred (200) or more separate transactions.

~~(d)~~ **(e)** A marketplace facilitator must include both transactions made on its own behalf and transactions facilitated for sellers under IC 6-2.5-4-18 for purposes of establishing the requirement to collect gross retail ~~or use~~ tax without having a physical presence in Indiana for purposes of subsection ~~(c).~~ **(d).** In addition, except in instances where the marketplace facilitator has not met the thresholds in subsection ~~(c),~~ **(d),** the transactions of the seller made through the marketplace are not counted toward the seller for purposes of determining whether the seller has met the thresholds in subsection ~~(c).~~ **(d).**

SECTION 6. IC 6-2.5-2-2, AS AMENDED BY P.L.87-2014, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 2. (a) The state gross retail tax is measured by the gross retail income received by a retail merchant in a retail unitary **or bundled** transaction and is imposed at seven percent (7%) of that gross retail income.

(b) If the tax computed under subsection (a) carried to the third decimal place results in the numeral in the third decimal place being greater than four (4), the amount of the tax shall be rounded to the next additional cent.

(c) A seller may elect to round the tax under subsection (b) on a transaction on an item basis or an invoice basis. However, a seller may not round the tax under subsection (b) to circumvent the tax that would otherwise be imposed on a transaction using an invoice basis.

SECTION 7. IC 6-2.5-3-1, AS AMENDED BY P.L.242-2015, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1. For purposes of this chapter:

(a) "Use" means the exercise of any right or power of ownership over tangible personal property.

(b) "Storage" means the keeping or retention of tangible personal property in Indiana for any purpose except temporary storage.

~~(c) "A retail merchant engaged in business in Indiana" includes any retail merchant who makes retail transactions in which a person acquires personal property or services for use, storage, or consumption in Indiana and who:~~

~~(1) maintains an office, place of distribution, sales location, sample location, warehouse, storage place, or other place of business which is located in Indiana and which the retail merchant maintains, occupies, or uses, either permanently or temporarily, either directly or indirectly, and either by the retail merchant or through a representative, agent, or subsidiary;~~

~~(2) maintains a representative, agent, salesman, canvasser, or solicitor who, while operating in Indiana under the authority of and on behalf of the retail merchant or a subsidiary of the retail merchant, sells, delivers, installs, repairs, assembles, sets up, accepts returns of, bills, invoices, or takes orders for sales of tangible personal property or services to be used, stored, or consumed in Indiana;~~

~~(3) is otherwise required to register as a retail merchant under IC 6-2.5-8-1; or~~

~~(4) may be required by the state to collect tax under this article to the extent allowed under the Constitution of the United States and federal law.~~

~~(d)~~ **(c)** "Temporary storage" means the keeping or retention of tangible personal property in Indiana for a period of not more than one hundred eighty (180) days and only for the purpose of the subsequent use of that property solely outside Indiana.

~~(e)~~ **(d)** Notwithstanding any other provision of this section, tangible or intangible property that is:

(1) owned or leased by a person that has contracted with a commercial printer for printing; and

(2) located at the premises of the commercial printer;

shall not be considered to be, or to create, an office, a place of distribution, a sales location, a sample location, a warehouse, a storage place, or other place of business maintained, occupied, or used in any way by the person. A commercial printer with which a person has contracted for printing shall not be considered to be in any way a representative, an agent, a salesman, a canvasser, or a solicitor for the person.

SECTION 8. IC 6-2.5-3-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 3. The use tax is measured by the gross retail income received in a retail unitary **or bundled** transaction and is imposed at the same rates as the state gross retail tax under IC 6-2.5-2-2. For purposes of this chapter, transactions described in ~~IC 6-2.5-3-2(b) and (c)~~ **section 2(b) and 2(c) of this chapter** shall be treated as retail transactions within the meaning of IC 6-2.5-1-2.

SECTION 9. IC 6-2.5-3-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 4. (a) The storage, use, and consumption of tangible personal property in Indiana is exempt from the use tax if:

(1) the property was acquired in a retail transaction ~~in Indiana~~ and the state gross retail tax has been paid on the acquisition of that property; or

(2) the property was acquired in a transaction that is wholly or partially exempt from the state gross retail tax under any part of IC 6-2.5-5, except IC 6-2.5-5-24(b), and the property is being used, stored, or consumed for the purpose for which it was exempted.

(b) If a person issues a state gross retail or use tax exemption certificate for the acquisition of tangible personal property and subsequently uses, stores, or consumes that property for a nonexempt purpose, then the person shall pay the use tax.

SECTION 10. IC 6-2.5-3-6, AS AMENDED BY P.L.182-2009(ss), SECTION 175, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 6. (a) For purposes of this section, "person" includes an individual who is personally liable for use tax under IC 6-2.5-9-3.

(b) The person who uses, stores, or consumes the tangible personal property acquired in a retail transaction is personally liable for the use tax.

(c) The person liable for the use tax shall pay ~~the tax to the retail merchant from whom the person acquired the property, and the retail merchant shall collect the tax as an agent for the state, if the retail merchant is engaged in business in Indiana or if the retail merchant has departmental permission to collect the tax. In all other cases, the person shall pay~~ the use tax to the department.

(d) Notwithstanding subsection (c), a person liable for the use tax imposed in respect to a vehicle, watercraft, or aircraft under section 2(b) of this chapter shall pay the tax:

(1) to the titling agency when the person applies for a title for the vehicle or the watercraft;

(2) to the registering agency when the person registers the aircraft; or

(3) to the registering agency when the person registers the watercraft because it is a United States Coast Guard documented vessel;

unless the person presents proof to the agency that the use tax or state gross retail tax has already been paid with respect to the purchase of the vehicle, watercraft, or aircraft or proof that the taxes are inapplicable because of an exemption under this article.

(e) At the time a person pays the use tax for the purchase of a vehicle to a titling agency pursuant to subsection (d), the titling agency shall compute the tax due based on the presumption that the sale price was the average selling price for that vehicle, as determined under a used vehicle buying guide to be chosen by the titling agency. However, the titling agency shall compute the tax due based on the actual sale price of the vehicle if the buyer, at the time the buyer pays the tax to the titling agency, presents documentation to the titling agency sufficient to rebut the presumption set forth in this subsection and to establish the actual selling price of the vehicle.

SECTION 11. IC 6-2.5-3.5-26, AS ADDED BY P.L.227-2013, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014 (RETROACTIVE)]: Sec. 26. (a) The gasoline use tax collected under this chapter is considered equivalent to the state gross

retail tax that would be collected by a retail merchant in a retail sale and replaces the obligation of the retail merchant to collect the state gross retail tax on the sale of gasoline.

(b) **Except for the exemption under IC 6-2.5-5-8 for property acquired for resale in the ordinary course of business,** the exemptions set forth in IC 6-2.5-5 apply to the gasoline use tax imposed by this chapter.

SECTION 12. IC 6-2.5-4-1, AS AMENDED BY P.L.227-2013, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1. (a) A person is a retail merchant making a retail transaction when the person engages in selling at retail.

(b) A person is engaged in selling at retail when, in the ordinary course of the person's regularly conducted trade or business, the person:

(1) acquires tangible personal property for the purpose of resale; and

(2) transfers that property to another person for consideration.

(c) For purposes of determining what constitutes selling at retail, it does not matter whether:

(1) the property is transferred in the same form as when it was acquired;

(2) the property is transferred alone or in conjunction with other property or services; or

(3) the property is transferred conditionally or otherwise.

(d) Notwithstanding subsection (b), a person is not selling at retail if the person is making a wholesale sale as described in section 2 of this chapter. However, in the case of sales of gasoline (as defined in IC 6-6-1.1-103), a person shall collect the gasoline use tax as provided in IC 6-2.5-3.5.

~~(e) The gross retail income received from selling at retail is only taxable under this article to the extent that the income represents:~~

~~(1) the price of the property transferred, without the rendition of any service; and~~

~~(2) except as provided in subsection (g), any bona fide charges which are made for preparation, fabrication, alteration, modification, finishing, completion, delivery, or other service performed in respect to the property transferred before its transfer and which are separately stated on the transferor's records.~~

~~For purposes of this subsection, a transfer is considered to have occurred after delivery of the property to the purchaser.~~

~~(f) Notwithstanding subsection (e):~~

~~(1) in the case of retail sales of special fuel (as defined in IC 6-6-2.5-22), the gross retail income received from selling at retail is the total sales price of the special fuel minus the part of that price attributable to tax imposed under IC 6-6-2.5 or Section 4041(a) or Section 4081 of the Internal Revenue Code; and~~

~~(2) in the case of retail sales of cigarettes (as defined in IC 6-7-1-2), the gross retail income received from selling at retail is the total sales price of the cigarettes including the tax imposed under IC 6-7-1.~~

~~(g) Gross retail income does not include income that represents charges for serving or delivering food and food ingredients furnished, prepared, or served for consumption at a location, or on equipment, provided by the retail merchant. However, the exclusion under this subsection only applies if the charges for the serving or delivery are stated separately from the price of the food and food ingredients when the purchaser pays the charges.~~

SECTION 13. IC 6-2.5-4-18, AS ADDED BY P.L.108-2019, SECTION 112, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 18. (a) A marketplace facilitator shall be considered the retail merchant of each retail transaction (including a retail transaction under section 4 of this chapter) that is facilitated for sellers on its marketplace when it does any of the following on behalf of the seller:

(1) Collects the sales price or purchase price of the seller's products.

(2) Provides access to payment processing services, either directly or indirectly.

(3) Charges, collects, or otherwise receives fees or other consideration for transactions made on its electronic marketplace.

(b) Regardless of whether a transaction under subsection (a) was made by the marketplace facilitator on its own behalf or facilitated on behalf of a seller, a marketplace facilitator is required to do the following with each retail transaction made on its marketplace:

(1) Collect and remit the gross retail tax, even if a seller for whom a transaction was facilitated:

(A) does not have a registered retail merchant certificate; or

(B) would not have been required to collect gross retail tax had the transaction not been facilitated by the marketplace facilitator.

(2) Comply with all applicable procedures and requirements imposed under this article as the retail merchant in such transaction.

(c) The gross retail income from a transaction under this section is equal to the total amount of consideration paid by the purchaser, including the payment of any fee, commission, or other charge by the marketplace facilitator, except that the gross retail income does not include any taxes on the transaction that are imposed directly on the consumer other than taxes **described** under ~~section 1(f)(2) of this chapter.~~ **IC 6-2.5-1-5(c)(2).**

SECTION 14. IC 6-2.5-6-6 IS REPEALED [EFFECTIVE JULY 1, 2020]. ~~Sec. 6. When possible, the department shall coordinate the reporting and payment of the state gross retail and use taxes with the reporting and payment of the gross income tax.~~

SECTION 15. IC 6-2.5-6-14.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 14.1. ~~Notwithstanding the refund provisions of this article as incorporated from the gross income tax law (IC 6-2.1, repealed),~~ A retail merchant is not entitled to a refund of state gross retail or use taxes unless the retail merchant refunds those taxes to the person from whom they were collected.

SECTION 16. IC 6-2.5-8-1, AS AMENDED BY P.L.234-2019, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1. (a) A retail merchant may not make a retail transaction in Indiana, unless the retail merchant has applied for a registered retail merchant's certificate.

(b) A retail merchant may obtain a registered retail merchant's certificate by filing an application with the department and paying a registration fee of twenty-five dollars ($25) for each place of business listed on the application. The retail merchant shall also provide such security for payment of the tax as the department may require under IC 6-2.5-6-12.

(c) The retail merchant shall list on the application the location (including the township) of each place of business where the retail merchant makes retail transactions. However, if the retail merchant does not have a fixed place of business, the retail merchant shall list the retail merchant's residence as the retail merchant's place of business. In addition, a public utility may list only its principal Indiana office as its place of business for sales of public utility commodities or service, but the utility must also list on the application the places of business where it makes retail transactions other than sales of public utility commodities or service.

(d) Upon receiving a proper application, the correct fee, and the security for payment, if required, the department shall issue to the retail merchant a separate registered retail merchant's certificate for each place of business listed on the application. Each certificate shall bear a serial number and the location of the place of business for which it is issued.

(e) The department may deny an application for a registered retail merchant's certificate if the applicant's business is operated, managed, or otherwise controlled by or affiliated with a person, including a relative, family member, responsible officer, or owner, who the department has determined:

(1) failed to:

(A) file all tax returns or information reports with the department for listed taxes; or

(B) pay all taxes, penalties, and interest to the department for listed taxes; and

(2) the business of the person who has failed to file all tax returns or information reports under subdivision (1)(A) or who has failed to pay all taxes, penalties, and interest under subdivision (1)(B) is substantially similar to the business of the applicant.

(f) If a retail merchant intends to make retail transactions during a calendar year at a new Indiana place of business, the retail merchant must file a supplemental application and pay the fee for that place of business.

(g) Except as provided in subsection (i), a registered retail merchant's certificate is valid for two (2) years after the date the registered retail merchant's certificate is originally issued or renewed. If

the retail merchant has filed all returns and remitted all taxes the retail merchant is currently obligated to file or remit, the department shall renew the registered retail merchant's certificate within thirty (30) days after the expiration date, at no cost to the retail merchant. Before issuing or renewing the registered retail merchant certification, the department may require the following to be provided:

(1) The names and addresses of the retail merchant's principal employees, agents, or representatives who engage in Indiana in the solicitation or negotiation of the retail transaction.

(2) The location of all of the retail merchant's places of business in Indiana, including offices and distribution houses.

(3) Any other information that the department requests.

(h) The department may not renew a registered retail merchant certificate of a retail merchant who is delinquent in remitting withholding taxes required to be remitted under IC 6-3-4 or sales or use tax. The department, at least sixty (60) days before the date on which a retail merchant's registered retail merchant's certificate expires, shall notify a retail merchant who is delinquent in remitting withholding taxes required to be remitted under IC 6-3-4 or sales or use tax that the department will not renew the retail merchant's registered retail merchant's certificate.

(i) If:

(1) a retail merchant has been notified by the department that the retail merchant is delinquent in remitting withholding taxes or sales or use tax in accordance with subsection (h); and

(2) the retail merchant pays the outstanding liability before the expiration of the retail merchant's registered retail merchant's certificate;

the department shall renew the retail merchant's registered retail merchant's certificate for one (1) year.

~~(j) A retail merchant engaged in business in Indiana as defined in IC 6-2.5-3-1(c) who makes retail transactions that are only subject to the use tax must obtain a registered retail merchant's certificate before making those transactions. The retail merchant may obtain the certificate by following the same procedure as a retail merchant under subsections (b) and (c), except that the retail merchant must also include on the application:~~

~~(1) the names and addresses of the retail merchant's principal employees, agents, or representatives who engage in Indiana in the solicitation or negotiation of the retail transactions;~~

~~(2) the location of all of the retail merchant's places of business in Indiana, including offices and distribution houses; and~~

~~(3) any other information that the department requests.~~

~~The department may also require that this information be updated before renewal of a registered retail merchant's certificate.~~

~~(k)~~ **(j)** The department may permit an out-of-state retail merchant to collect the ~~use~~ **gross retail** tax **in instances where the retail merchant has not met the thresholds in IC 6-2.5-2-1(d).** However, before the out-of-state retail merchant may collect the tax, the out-of-state retail merchant must obtain a registered retail merchant's certificate in the manner provided by this section. Upon receiving the certificate, the out-of-state retail merchant becomes subject to the same conditions and duties as an Indiana retail merchant and must then collect the ~~use~~ **gross retail** tax due on all ~~sales of tangible personal property~~ **retail transactions** that the out-of-state retail merchant knows ~~is intended for use in~~ **are sourced to** Indiana **pursuant to IC 6-2.5-13-1.**

~~(l)~~ **(k)** Except as provided in subsection ~~(m),~~ **(l),** the department shall submit to the township assessor, or the county assessor if there is no township assessor for the township, before ~~March 15~~ **January 15** of each year:

(1) the name of each retail merchant that has newly obtained a registered retail merchant's certificate during the preceding year for a place of business located in the township or county; ~~and~~

(2) the address of each place of business of the taxpayer in the township or county **described in subdivision (1);**

(3) the name of each retail merchant that:

(A) held a registered retail merchant's certificate at any time during the preceding year for a place of business located in the township or county; and

(B) had ceased to hold the registered retail merchant's certificate at the end of the preceding year for the place of business; and

(4) the address of each place of business described in subdivision (3).

~~(m)~~ **(l)** If the duties of the township assessor have been transferred to the county assessor as described in IC 6-1.1-1-24, the department shall submit the information listed in subsection ~~(l)~~ **(k)** to the county assessor.

SECTION 17. IC 6-2.5-9-9, AS ADDED BY P.L.247-2017, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 9. (a) Notwithstanding any other law and regardless of whether the department initiates an audit or any other collection or enforcement procedure, the department may bring a declaratory judgment action under IC 34-14-1 in any circuit court or superior court against a person that the department believes meets the criteria of ~~IC 6-2.5-2-1(c)~~ **IC 6-2.5-2-1(d)** in order to establish that:

(1) the person has an obligation to collect state gross retail tax as provided in ~~IC 6-2.5-2-1(c);~~ **IC 6-2.5-2-1(d);** and

(2) the person's obligation to collect state gross retail tax as provided in ~~IC 6-2.5-2-1(c)~~ **IC 6-2.5-2-1(d)** is valid under state and federal law.

(b) A court in which an action for a declaratory judgment is brought under subsection (a) shall act on the declaratory judgment action as expeditiously as possible.

(c) IC 34-52-1-1(b) and all other provisions authorizing attorney's fees do not apply to a declaratory judgment action brought under subsection (a) or to any appeal from a judgment in a declaratory judgment action brought under subsection (a).

(d) The following apply if the department files a declaratory judgment action under this section:

(1) The department and other state agencies and state entities may not, during the pendency of the declaratory judgment action (including any appeals from a judgment in the declaratory judgment action), enforce the obligation to collect state gross retail tax as provided in ~~IC 6-2.5-2-1(c)~~ **IC 6-2.5-2-1(d)** against any person that does not affirmatively consent or otherwise remit the gross retail tax on a voluntary basis. However, this subdivision does not apply to a person if there is a previous judgment from a court establishing the validity of the obligation to collect state gross retail tax with respect to that person.

(2) The prohibition under subdivision (1) on the enforcement of the obligation to collect state gross retail tax as provided in ~~IC 6-2.5-2-1(c)~~ **IC 6-2.5-2-1(d)** does not apply if:

(A) a court enters a final judgment on the merits declaring that the obligation to collect state gross retail tax as provided in ~~IC 6-2.5-2-1(c)~~ **IC 6-2.5-2-1(d)** is valid; and

(B) the final judgment of the court is no longer subject to appeal.

(e) An obligation to remit the gross retail tax as required by ~~IC 6-2.5-2-1(c)~~ **IC 6-2.5-2-1(d)** may not be applied retroactively before the effective date of that subsection on July 1, 2017.

SECTION 18. IC 6-2.5-9-10, AS ADDED BY P.L.247-2017, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 10. (a) A taxpayer complying with ~~IC 6-2.5-2-1(c),~~ **IC 6-2.5-2-1(d),** voluntarily or otherwise, may seek only a refund under IC 6-8.1-9 of taxes, interest, and penalties that have been paid to and collected by the department. However, a refund may not be granted on the basis that the taxpayer lacked a physical presence in Indiana and complied with ~~IC 6-2.5-2-1(c)~~ **IC 6-2.5-2-1(d)** voluntarily.

(b) ~~IC 6-2.5-2-1(c),~~ **IC 6-2.5-2-1(d),** section 9 of this chapter, and this section do not limit the ability of any taxpayer to obtain a refund for any other reason, including a mistake of fact or mathematical miscalculation of the applicable tax.

(c) A retail merchant that remits gross retail tax voluntarily or otherwise under ~~IC 6-2.5-2-1(c)~~ **IC 6-2.5-2-1(d)** is not liable to a purchaser who claims that the sales tax has been overcollected if ~~IC 6-2.5-2-1(c)~~ **IC 6-2.5-2-1(d)** is later found unlawful.

(d) ~~IC 6-2.5-2-1(c)~~ **IC 6-2.5-2-1(d)** does not affect the obligation of any purchaser to remit use tax as required under IC 6-2.5-3.

SECTION 19. IC 6-2.5-9-11, AS ADDED BY P.L.247-2017, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 11. The general assembly finds the following:

(1) The inability to effectively collect the gross retail tax or use tax from remote sellers that deliver tangible personal property, products transferred electronically, or services directly into Indiana is seriously eroding the tax base of Indiana and causing revenue

losses and imminent harm to Indiana through the loss of critical funding for state and local services.

(2) Gross retail tax and use tax revenues are essential in funding state and local services.

(3) Despite the fact that a use tax is imposed on the storage, use, or consumption of tangible personal property in Indiana if the property was acquired in a retail transaction, many remote sellers actively market sales as "tax free" or as "no sales tax" transactions.

(4) The structural advantages of remote sellers, including the absence of point-of-sale tax collection, and the general growth of the online retail industry make clear that further erosion of Indiana's gross retail tax base is likely in the near future.

(5) Remote sellers that make a substantial number of deliveries into Indiana or have large gross revenues from Indiana benefit extensively from Indiana's market (including the economy generally) and from the infrastructure in Indiana.

(6) In contrast with the expanding harms caused to Indiana from this exemption of gross retail tax collection obligations for remote sellers, the costs of that collection have fallen. Given modern computing and software options, it is neither unusually difficult nor burdensome for remote sellers to collect and remit gross retail taxes associated with sales into Indiana.

(7) The Supreme Court of the United States should reconsider its doctrine that prevents, under certain circumstances, states from requiring remote sellers to collect gross retail tax, and as the findings of this section make clear, this argument has grown stronger, and the cause more urgent, with time.

(8) Given the urgent need for the Supreme Court of the United States to reconsider this doctrine, it is necessary for the general assembly to enact ~~IC 6-2.5-2-1(c),~~ **IC 6-2.5-2-1(d),** clarifying the state's immediate intent to require collection of gross retail taxes by remote sellers.

(9) Expeditious review is necessary and appropriate because, while it may be reasonable notwithstanding this law for remote sellers to continue to refuse to collect the gross retail tax in light

of existing federal constitutional doctrine, such a refusal causes imminent harm to Indiana.

(10) It is the intent of the general assembly to apply Indiana's gross retail tax and use tax obligations to the limit of federal and state constitutional doctrines and to specify that Indiana law permits the state to immediately argue in any litigation that such a constitutional doctrine should be changed to permit the obligation to collect state gross retail tax as provided in ~~IC 6-2.5-2-1(c).~~ **IC 6-2.5-2-1(d).**

SECTION 20. IC 6-2.5-10-2 IS REPEALED [EFFECTIVE JULY 1, 2020]. ~~Sec. 2. The provisions of the adjusted gross income tax law (IC 6-3), which do not conflict with the provisions of this article and which deal with any of the following subjects, apply for the purposes of imposing, collecting, and administering the state gross retail and use taxes under this article:~~

~~(1) Filing of returns.~~

~~(2) Auditing of returns.~~

~~(3) Investigation of tax liability.~~

~~(4) Determination of tax liability.~~

~~(5) Notification of tax liability.~~

~~(6) Assessment of tax liability.~~

~~(7) Collection of tax liability.~~

~~(8) Examination of taxpayer's books and records.~~

~~(9) Legal proceedings.~~

~~(10) Court actions.~~

~~(11) Remedies.~~

~~(12) Privileges.~~

~~(13) Taxpayer and departmental relief.~~

~~(14) Statutes of limitations.~~

~~(15) Hearings.~~

~~(16) Refunds.~~

~~(17) Remittances.~~

~~(18) Imposition of penalties and interest.~~

~~(19) Maintenance of departmental records.~~

~~(20) Confidentiality of taxpayer's returns.~~

~~(21) Duties of the secretary of state and the treasurer of state.~~

~~(22) Administration.~~

SECTION 21. IC 6-3-1-3.5, AS AMENDED BY THE TECHNICAL CORRECTIONS BILL OF THE 2020 GENERAL ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2021]: Sec. 3.5. When used in this article, the term "adjusted gross income" shall mean the following:

(a) In the case of all individuals, "adjusted gross income" (as defined in Section 62 of the Internal Revenue Code), modified as follows:

(1) Subtract income that is exempt from taxation under this article by the Constitution and statutes of the United States.

(2) Except as provided in subsection (c), add an amount equal to any deduction or deductions allowed or allowable pursuant to Section 62 of the Internal Revenue Code for taxes based on or measured by income and levied at the state level by any state of the United States.

(3) Subtract one thousand dollars ($1,000), or in the case of a joint return filed by a husband and wife, subtract for each spouse one thousand dollars ($1,000).

(4) Subtract one thousand dollars ($1,000) for:

(A) each of the exemptions provided by Section 151(c) of the Internal Revenue Code (as effective January 1, 2017);

(B) each additional amount allowable under Section 63(f) of the Internal Revenue Code; and

(C) the spouse of the taxpayer if a separate return is made by the taxpayer and if the spouse, for the calendar year in which the taxable year of the taxpayer begins, has no gross income and is not the dependent of another taxpayer.

(5) Subtract:

(A) one thousand five hundred dollars ($1,500) for each of the exemptions allowed under Section 151(c)(1)(B) of the Internal Revenue Code (as effective January 1, 2004);

(B) one thousand five hundred dollars ($1,500) for each exemption allowed under Section 151(c) of the Internal Revenue Code (as effective January 1, 2017) for an individual:

(i) who is less than nineteen (19) years of age or is a full-time student who is less than twenty-four (24) years of age;

(ii) for whom the taxpayer is the legal guardian; and

(iii) for whom the taxpayer does not claim an exemption under clause (A); and

(C) five hundred dollars ($500) for each additional amount allowable under Section 63(f)(1) of the Internal Revenue Code if the **federal** adjusted gross income of the taxpayer, or the taxpayer and the taxpayer's spouse in the case of a joint return, is less than forty thousand dollars ($40,000). **In the case of a married individual filing a separate return, the qualifying income amount in this clause is equal to twenty thousand dollars ($20,000).**

This amount is in addition to the amount subtracted under subdivision (4).

(6) Subtract any amounts included in federal adjusted gross income under Section 111 of the Internal Revenue Code as a recovery of items previously deducted as an itemized deduction from adjusted gross income.

(7) Subtract any amounts included in federal adjusted gross income under the Internal Revenue Code which amounts were received by the individual as supplemental railroad retirement annuities under 45 U.S.C. 231 and which are not deductible under subdivision (1).

(8) Subtract an amount equal to the amount of federal Social Security and Railroad Retirement benefits included in a taxpayer's federal gross income by Section 86 of the Internal Revenue Code.

(9) In the case of a nonresident taxpayer or a resident taxpayer residing in Indiana for a period of less than the taxpayer's entire taxable year, the total amount of the deductions allowed pursuant to subdivisions (3), (4), and (5) shall be reduced to an amount which bears the same ratio to the total as the taxpayer's income taxable in Indiana bears to the taxpayer's total income.

(10) In the case of an individual who is a recipient of assistance under IC 12-10-6-1, IC 12-10-6-2.1, IC 12-15-2-2, or IC 12-15-7, subtract an amount equal to that portion of the individual's adjusted gross income with respect to which the individual is not allowed under federal law to retain an amount to pay state and local income taxes.

(11) In the case of an eligible individual, subtract the amount of a Holocaust victim's settlement payment included in the individual's federal adjusted gross income.

(12) Subtract an amount equal to the portion of any premiums paid during the taxable year by the taxpayer for a qualified long term care policy (as defined in IC 12-15-39.6-5) for the taxpayer or the taxpayer's spouse ~~or both.~~ **if the taxpayer and the taxpayer's spouse file a joint income tax return or the taxpayer is otherwise entitled to a deduction under this subdivision for the taxpayer's spouse, or both.**

(13) Subtract an amount equal to the lesser of:

(A) two thousand five hundred dollars ($2,500), or **one thousand two hundred fifty dollars ($1,250) in the case of a married individual filing a separate return; or**

(B) the amount of property taxes that are paid during the taxable year in Indiana by the individual on the individual's principal place of residence.

(14) Subtract an amount equal to the amount of a September 11 terrorist attack settlement payment included in the individual's federal adjusted gross income.

(15) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that owns property for which bonus depreciation was allowed in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election not been made under Section 168(k) of the Internal Revenue Code to apply bonus depreciation to the property in the year that it was placed in service.

(16) Add an amount equal to any deduction allowed under Section 172 of the Internal Revenue Code (concerning net operating losses).

(17) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that placed Section 179 property (as defined in Section 179 of the Internal Revenue Code) in service in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election for federal income tax purposes not been made for

the year in which the property was placed in service to take deductions under Section 179 of the Internal Revenue Code in a total amount exceeding the sum of:

(A) twenty-five thousand dollars ($25,000) to the extent deductions under Section 179 of the Internal Revenue Code were not elected as provided in clause (B); and

(B) for taxable years beginning after December 31, 2017, the deductions elected under Section 179 of the Internal Revenue Code on property acquired in an exchange if:

(i) the exchange would have been eligible for nonrecognition of gain or loss under Section 1031 of the Internal Revenue Code in effect on January 1, 2017;

(ii) the exchange is not eligible for nonrecognition of gain or loss under Section 1031 of the Internal Revenue Code; and

(iii) the taxpayer made an election to take deductions under Section 179 of the Internal Revenue Code with regard to the acquired property in the year that the property was placed into service.

The amount of deductions allowable for an item of property under this clause may not exceed the amount of adjusted gross income realized on the property that would have been deferred under the Internal Revenue Code in effect on January 1, 2017.

(18) Subtract an amount equal to the amount of the taxpayer's qualified military income that was not excluded from the taxpayer's gross income for federal income tax purposes under Section 112 of the Internal Revenue Code.

(19) Subtract income that is:

(A) exempt from taxation under IC 6-3-2-21.7 (certain income derived from patents); and

(B) included in the individual's federal adjusted gross income under the Internal Revenue Code.

(20) Add an amount equal to any income not included in gross income as a result of the deferral of income arising from business indebtedness discharged in connection with the reacquisition after December 31, 2008, and before January 1, 2011, of an applicable debt instrument, as provided in Section 108(i) of the Internal Revenue Code. Subtract the amount necessary from the adjusted

gross income of any taxpayer that added an amount to adjusted gross income in a previous year to offset the amount included in federal gross income as a result of the deferral of income arising from business indebtedness discharged in connection with the reacquisition after December 31, 2008, and before January 1, 2011, of an applicable debt instrument, as provided in Section 108(i) of the Internal Revenue Code.

(21) Add the amount excluded from federal gross income under Section 103 of the Internal Revenue Code for interest received on an obligation of a state other than Indiana, or a political subdivision of such a state, that is acquired by the taxpayer after December 31, 2011.

(22) Subtract an amount as described in Section 1341(a)(2) of the Internal Revenue Code to the extent, if any, that the amount was previously included in the taxpayer's adjusted gross income for a prior taxable year.

(23) For taxable years beginning after December 25, 2016, add an amount equal to the deduction for deferred foreign income that was claimed by the taxpayer for the taxable year under Section 965(c) of the Internal Revenue Code.

(24) Subtract any interest expense paid or accrued in the current taxable year but not deducted as a result of the limitation imposed under Section 163(j)(1) of the Internal Revenue Code. Add any interest expense paid or accrued in a previous taxable year but allowed as a deduction under Section 163 of the Internal Revenue Code in the current taxable year. For purposes of this subdivision, an interest expense is considered paid or accrued only in the first taxable year the deduction would have been allowable under Section 163 of the Internal Revenue Code if the limitation under Section 163(j)(1) of the Internal Revenue Code did not exist.

(25) Subtract the amount that would have been excluded from gross income but for the enactment of Section 118(b)(2) of the Internal Revenue Code for taxable years ending after December 22, 2017.

(26) Subtract any other amounts the taxpayer is entitled to deduct under IC 6-3-2.

(b) In the case of corporations, the same as "taxable income" (as defined in Section 63 of the Internal Revenue Code) adjusted as follows:

(1) Subtract income that is exempt from taxation under this article by the Constitution and statutes of the United States.

(2) Add an amount equal to any deduction or deductions allowed or allowable pursuant to Section 170 of the Internal Revenue Code (concerning charitable contributions).

(3) Except as provided in subsection (c), add an amount equal to any deduction or deductions allowed or allowable pursuant to Section 63 of the Internal Revenue Code for taxes based on or measured by income and levied at the state level by any state of the United States.

(4) Subtract an amount equal to the amount included in the corporation's taxable income under Section 78 of the Internal Revenue Code (concerning foreign tax credits).

(5) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that owns property for which bonus depreciation was allowed in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election not been made under Section 168(k) of the Internal Revenue Code to apply bonus depreciation to the property in the year that it was placed in service.

(6) Add an amount equal to any deduction allowed under Section 172 of the Internal Revenue Code (concerning net operating losses).

(7) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that placed Section 179 property (as defined in Section 179 of the Internal Revenue Code) in service in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election for federal income tax purposes not been made for the year in which the property was placed in service to take deductions under Section 179 of the Internal Revenue Code in a total amount exceeding the sum of:

(A) twenty-five thousand dollars ($25,000) to the extent deductions under Section 179 of the Internal Revenue Code were not elected as provided in clause (B); and

(B) for taxable years beginning after December 31, 2017, the deductions elected under Section 179 of the Internal Revenue Code on property acquired in an exchange if:

(i) the exchange would have been eligible for nonrecognition of gain or loss under Section 1031 of the Internal Revenue Code in effect on January 1, 2017;

(ii) the exchange is not eligible for nonrecognition of gain or loss under Section 1031 of the Internal Revenue Code; and

(iii) the taxpayer made an election to take deductions under Section 179 of the Internal Revenue Code with regard to the acquired property in the year that the property was placed into service.

The amount of deductions allowable for an item of property under this clause may not exceed the amount of adjusted gross income realized on the property that would have been deferred under the Internal Revenue Code in effect on January 1, 2017.

(8) Add to the extent required by IC 6-3-2-20:

(A) the amount of intangible expenses (as defined in IC 6-3-2-20) for the taxable year that reduced the corporation's taxable income (as defined in Section 63 of the Internal Revenue Code) for federal income tax purposes; and

(B) any directly related interest expenses (as defined in IC 6-3-2-20) that reduced the corporation's adjusted gross income (determined without regard to this subdivision). For purposes of this ~~subdivision,~~ **clause,** any directly related interest expense that constitutes business interest within the meaning of Section 163(j) of the Internal Revenue Code shall be considered to have reduced the taxpayer's federal taxable income only in the first taxable year in which the deduction otherwise would have been allowable under Section 163 of the Internal Revenue Code if the limitation under Section 163(j)(1) of the Internal Revenue Code did not exist.

(9) Add an amount equal to any deduction for dividends paid (as defined in Section 561 of the Internal Revenue Code) to

shareholders of a captive real estate investment trust (as defined in section 34.5 of this chapter).

(10) Subtract income that is:

(A) exempt from taxation under IC 6-3-2-21.7 (certain income derived from patents); and

(B) included in the corporation's taxable income under the Internal Revenue Code.

(11) Add an amount equal to any income not included in gross income as a result of the deferral of income arising from business indebtedness discharged in connection with the reacquisition after December 31, 2008, and before January 1, 2011, of an applicable debt instrument, as provided in Section 108(i) of the Internal Revenue Code. Subtract from the adjusted gross income of any taxpayer that added an amount to adjusted gross income in a previous year the amount necessary to offset the amount included in federal gross income as a result of the deferral of income arising from business indebtedness discharged in connection with the reacquisition after December 31, 2008, and before January 1, 2011, of an applicable debt instrument, as provided in Section 108(i) of the Internal Revenue Code.

(12) Add the amount excluded from federal gross income under Section 103 of the Internal Revenue Code for interest received on an obligation of a state other than Indiana, or a political subdivision of such a state, that is acquired by the taxpayer after December 31, 2011.

(13) For taxable years beginning after December 25, 2016:

(A) for a corporation other than a real estate investment trust, add:

(i) an amount equal to the amount reported by the taxpayer on IRC 965 Transition Tax Statement, line 1; or

(ii) if the taxpayer deducted an amount under Section 965(c) of the Internal Revenue Code in determining the taxpayer's taxable income for purposes of the federal income tax, the amount deducted under Section 965(c) of the Internal Revenue Code; and

(B) for a real estate investment trust, add an amount equal to the deduction for deferred foreign income that was claimed by

the taxpayer for the taxable year under Section 965(c) of the Internal Revenue Code, but only to the extent that the taxpayer included income pursuant to Section 965 of the Internal Revenue Code in its taxable income for federal income tax purposes or is required to add back dividends paid under subdivision (9).

(14) Add an amount equal to the deduction that was claimed by the taxpayer for the taxable year under Section 250(a)(1)(B) of the Internal Revenue Code (attributable to global intangible low-taxed income). The taxpayer shall separately specify the amount of the reduction under Section 250(a)(1)(B)(i) of the Internal Revenue Code and under Section 250(a)(1)(B)(ii) of the Internal Revenue Code.

(15) Subtract any interest expense paid or accrued in the current taxable year but not deducted as a result of the limitation imposed under Section 163(j)(1) of the Internal Revenue Code. Add any interest expense paid or accrued in a previous taxable year but allowed as a deduction under Section 163 of the Internal Revenue Code in the current taxable year. For purposes of this subdivision, an interest expense is considered paid or accrued only in the first taxable year the deduction would have been allowable under Section 163 of the Internal Revenue Code if the limitation under Section 163(j)(1) of the Internal Revenue Code did not exist.

(16) Subtract the amount that would have been excluded from gross income but for the enactment of Section 118(b)(2) of the Internal Revenue Code for taxable years ending after December 22, 2017.

(17) Add or subtract any other amounts the taxpayer is:

(A) required to add or subtract; or

(B) entitled to deduct;

under IC 6-3-2.

(c) The following apply to taxable years beginning after December 31, 2018, for purposes of the add back of any deduction allowed on the taxpayer's federal income tax return for wagering taxes, as provided in subsection (a)(2) if the taxpayer is an individual or subsection (b)(3) if the taxpayer is a corporation:

(1) For taxable years beginning after December 31, 2018, and before January 1, 2020, a taxpayer is required to add back under this section eighty-seven and five-tenths percent (87.5%) of any deduction allowed on the taxpayer's federal income tax return for wagering taxes.

(2) For taxable years beginning after December 31, 2019, and before January 1, 2021, a taxpayer is required to add back under this section seventy-five percent (75%) of any deduction allowed on the taxpayer's federal income tax return for wagering taxes.

(3) For taxable years beginning after December 31, 2020, and before January 1, 2022, a taxpayer is required to add back under this section sixty-two and five-tenths percent (62.5%) of any deduction allowed on the taxpayer's federal income tax return for wagering taxes.

(4) For taxable years beginning after December 31, 2021, and before January 1, 2023, a taxpayer is required to add back under this section fifty percent (50%) of any deduction allowed on the taxpayer's federal income tax return for wagering taxes.

(5) For taxable years beginning after December 31, 2022, and before January 1, 2024, a taxpayer is required to add back under this section thirty-seven and five-tenths percent (37.5%) of any deduction allowed on the taxpayer's federal income tax return for wagering taxes.

(6) For taxable years beginning after December 31, 2023, and before January 1, 2025, a taxpayer is required to add back under this section twenty-five percent (25%) of any deduction allowed on the taxpayer's federal income tax return for wagering taxes.

(7) For taxable years beginning after December 31, 2024, and before January 1, 2026, a taxpayer is required to add back under this section twelve and five-tenths percent (12.5%) of any deduction allowed on the taxpayer's federal income tax return for wagering taxes.

(8) For taxable years beginning after December 31, 2025, a taxpayer is not required to add back under this section any amount of a deduction allowed on the taxpayer's federal income tax return for wagering taxes.

(d) In the case of life insurance companies (as defined in Section 816(a) of the Internal Revenue Code) that are organized under Indiana law, the same as "life insurance company taxable income" (as defined in Section 801 of the Internal Revenue Code), adjusted as follows:

(1) Subtract income that is exempt from taxation under this article by the Constitution and statutes of the United States.

(2) Add an amount equal to any deduction allowed or allowable under Section 170 of the Internal Revenue Code (concerning charitable contributions).

(3) Add an amount equal to a deduction allowed or allowable under Section 805 or Section 832(c) of the Internal Revenue Code for taxes based on or measured by income and levied at the state level by any state.

(4) Subtract an amount equal to the amount included in the company's taxable income under Section 78 of the Internal Revenue Code (concerning foreign tax credits).

(5) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that owns property for which bonus depreciation was allowed in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election not been made under Section 168(k) of the Internal Revenue Code to apply bonus depreciation to the property in the year that it was placed in service.

(6) Add an amount equal to any deduction allowed under Section 172 of the Internal Revenue Code (concerning net operating losses).

(7) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that placed Section 179 property (as defined in Section 179 of the Internal Revenue Code) in service in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election for federal income tax purposes not been made for the year in which the property was placed in service to take deductions under Section 179 of the Internal Revenue Code in a total amount exceeding the sum of:

(A) twenty-five thousand dollars ($25,000) to the extent deductions under Section 179 of the Internal Revenue Code were not elected as provided in clause (B); and

(B) for taxable years beginning after December 31, 2017, the deductions elected under Section 179 of the Internal Revenue Code on property acquired in an exchange if:

(i) the exchange would have been eligible for nonrecognition of gain or loss under Section 1031 of the Internal Revenue Code in effect on January 1, 2017;

(ii) the exchange is not eligible for nonrecognition of gain or loss under Section 1031 of the Internal Revenue Code; and

(iii) the taxpayer made an election to take deductions under Section 179 of the Internal Revenue Code with regard to the acquired property in the year that the property was placed into service.

The amount of deductions allowable for an item of property under this clause may not exceed the amount of adjusted gross income realized on the property that would have been deferred under the Internal Revenue Code in effect on January 1, 2017.

(8) Subtract income that is:

(A) exempt from taxation under IC 6-3-2-21.7 (certain income derived from patents); and

(B) included in the insurance company's taxable income under the Internal Revenue Code.

(9) Add an amount equal to any income not included in gross income as a result of the deferral of income arising from business indebtedness discharged in connection with the reacquisition after December 31, 2008, and before January 1, 2011, of an applicable debt instrument, as provided in Section 108(i) of the Internal Revenue Code. Subtract from the adjusted gross income of any taxpayer that added an amount to adjusted gross income in a previous year the amount necessary to offset the amount included in federal gross income as a result of the deferral of income arising from business indebtedness discharged in connection with the reacquisition after December 31, 2008, and before January 1, 2011, of an applicable debt instrument, as provided in Section 108(i) of the Internal Revenue Code.

(10) Add an amount equal to any exempt insurance income under Section 953(e) of the Internal Revenue Code that is active financing income under Subpart F of Subtitle A, Chapter 1, Subchapter N of the Internal Revenue Code.

(11) Add the amount excluded from federal gross income under Section 103 of the Internal Revenue Code for interest received on an obligation of a state other than Indiana, or a political subdivision of such a state, that is acquired by the taxpayer after December 31, 2011.

(12) For taxable years beginning after December 25, 2016, add:

(A) an amount equal to the amount reported by the taxpayer on IRC 965 Transition Tax Statement, line 1; or

(B) if the taxpayer deducted an amount under Section 965(c) of the Internal Revenue Code in determining the taxpayer's taxable income for purposes of the federal income tax, the amount deducted under Section 965(c) of the Internal Revenue Code.

(13) Add an amount equal to the deduction that was claimed by the taxpayer for the taxable year under Section 250(a)(1)(B) of the Internal Revenue Code (attributable to global intangible low-taxed income). The taxpayer shall separately specify the amount of the reduction under Section 250(a)(1)(B)(i) of the Internal Revenue Code and under Section 250(a)(1)(B)(ii) of the Internal Revenue Code.

(14) Subtract any interest expense paid or accrued in the current taxable year but not deducted as a result of the limitation imposed under Section 163(j)(1) of the Internal Revenue Code. Add any interest expense paid or accrued in a previous taxable year but allowed as a deduction under Section 163 of the Internal Revenue Code in the current taxable year. For purposes of this subdivision, an interest expense is considered paid or accrued only in the first taxable year the deduction would have been allowable under Section 163 of the Internal Revenue Code if the limitation under Section 163(j)(1) of the Internal Revenue Code did not exist.

(15) Subtract the amount that would have been excluded from gross income but for the enactment of Section 118(b)(2) of the

Internal Revenue Code for taxable years ending after December 22, 2017.

(16) Add or subtract any other amounts the taxpayer is:

(A) required to add or subtract; or

(B) entitled to deduct;

under IC 6-3-2.

(e) In the case of insurance companies subject to tax under Section 831 of the Internal Revenue Code and organized under Indiana law, the same as "taxable income" (as defined in Section 832 of the Internal Revenue Code), adjusted as follows:

(1) Subtract income that is exempt from taxation under this article by the Constitution and statutes of the United States.

(2) Add an amount equal to any deduction allowed or allowable under Section 170 of the Internal Revenue Code (concerning charitable contributions).

(3) Add an amount equal to a deduction allowed or allowable under Section 805 or Section 832(c) of the Internal Revenue Code for taxes based on or measured by income and levied at the state level by any state.

(4) Subtract an amount equal to the amount included in the company's taxable income under Section 78 of the Internal Revenue Code (concerning foreign tax credits).

(5) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that owns property for which bonus depreciation was allowed in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election not been made under Section 168(k) of the Internal Revenue Code to apply bonus depreciation to the property in the year that it was placed in service.

(6) Add an amount equal to any deduction allowed under Section 172 of the Internal Revenue Code (concerning net operating losses).

(7) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that placed Section 179 property (as defined in Section 179 of the Internal Revenue Code) in service in the current taxable year or in an earlier taxable year equal to the

amount of adjusted gross income that would have been computed had an election for federal income tax purposes not been made for the year in which the property was placed in service to take deductions under Section 179 of the Internal Revenue Code in a total amount exceeding the sum of:

(A) twenty-five thousand dollars ($25,000) to the extent deductions under Section 179 of the Internal Revenue Code were not elected as provided in clause (B); and

(B) for taxable years beginning after December 31, 2017, the deductions elected under Section 179 of the Internal Revenue Code on property acquired in an exchange if:

(i) the exchange would have been eligible for nonrecognition of gain or loss under Section 1031 of the Internal Revenue Code in effect on January 1, 2017;

(ii) the exchange is not eligible for nonrecognition of gain or loss under Section 1031 of the Internal Revenue Code; and

(iii) the taxpayer made an election to take deductions under Section 179 of the Internal Revenue Code with regard to the acquired property in the year that the property was placed into service.

The amount of deductions allowable for an item of property under this clause may not exceed the amount of adjusted gross income realized on the property that would have been deferred under the Internal Revenue Code in effect on January 1, 2017.

(8) Subtract income that is:

(A) exempt from taxation under IC 6-3-2-21.7 (certain income derived from patents); and

(B) included in the insurance company's taxable income under the Internal Revenue Code.

(9) Add an amount equal to any income not included in gross income as a result of the deferral of income arising from business indebtedness discharged in connection with the reacquisition after December 31, 2008, and before January 1, 2011, of an applicable debt instrument, as provided in Section 108(i) of the Internal Revenue Code. Subtract from the adjusted gross income of any taxpayer that added an amount to adjusted gross income in a previous year the amount necessary to offset the amount included

in federal gross income as a result of the deferral of income arising from business indebtedness discharged in connection with the reacquisition after December 31, 2008, and before January 1, 2011, of an applicable debt instrument, as provided in Section 108(i) of the Internal Revenue Code.

(10) Add an amount equal to any exempt insurance income under Section 953(e) of the Internal Revenue Code that is active financing income under Subpart F of Subtitle A, Chapter 1, Subchapter N of the Internal Revenue Code.

(11) Add the amount excluded from federal gross income under Section 103 of the Internal Revenue Code for interest received on an obligation of a state other than Indiana, or a political subdivision of such a state, that is acquired by the taxpayer after December 31, 2011.

(12) For taxable years beginning after December 25, 2016, add:

(A) an amount equal to the amount reported by the taxpayer on IRC 965 Transition Tax Statement, line 1; or

(B) if the taxpayer deducted an amount under Section 965(c) of the Internal Revenue Code in determining the taxpayer's taxable income for purposes of the federal income tax, the amount deducted under Section 965(c) of the Internal Revenue Code.

(13) Add an amount equal to the deduction that was claimed by the taxpayer for the taxable year under Section 250(a)(1)(B) of the Internal Revenue Code (attributable to global intangible low-taxed income). The taxpayer shall separately specify the amount of the reduction under Section 250(a)(1)(B)(i) of the Internal Revenue Code and under Section 250(a)(1)(B)(ii) of the Internal Revenue Code.

(14) Subtract any interest expense paid or accrued in the current taxable year but not deducted as a result of the limitation imposed under Section 163(j)(1) of the Internal Revenue Code. Add any interest expense paid or accrued in a previous taxable year but allowed as a deduction under Section 163 of the Internal Revenue Code in the current taxable year. For purposes of this subdivision, an interest expense is considered paid or accrued only in the first taxable year the deduction would have been allowable under

Section 163 of the Internal Revenue Code if the limitation under Section 163(j)(1) of the Internal Revenue Code did not exist.

(15) Subtract the amount that would have been excluded from gross income but for the enactment of Section 118(b)(2) of the Internal Revenue Code for taxable years ending after December 22, 2017.

(16) Add or subtract any other amounts the taxpayer is:

(A) required to add or subtract; or

(B) entitled to deduct;

under IC 6-3-2.

(f) In the case of trusts and estates, "taxable income" (as defined for trusts and estates in Section 641(b) of the Internal Revenue Code) adjusted as follows:

(1) Subtract income that is exempt from taxation under this article by the Constitution and statutes of the United States.

(2) Subtract an amount equal to the amount of a September 11 terrorist attack settlement payment included in the federal adjusted gross income of the estate of a victim of the September 11 terrorist attack or a trust to the extent the trust benefits a victim of the September 11 terrorist attack.

(3) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that owns property for which bonus depreciation was allowed in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election not been made under Section 168(k) of the Internal Revenue Code to apply bonus depreciation to the property in the year that it was placed in service.

(4) Add an amount equal to any deduction allowed under Section 172 of the Internal Revenue Code (concerning net operating losses).

(5) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that placed Section 179 property (as defined in Section 179 of the Internal Revenue Code) in service in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election for federal income tax purposes not been made for

the year in which the property was placed in service to take deductions under Section 179 of the Internal Revenue Code in a total amount exceeding the sum of:

(A) twenty-five thousand dollars ($25,000) to the extent deductions under Section 179 of the Internal Revenue Code were not elected as provided in clause (B); and

(B) for taxable years beginning after December 31, 2017, the deductions elected under Section 179 of the Internal Revenue Code on property acquired in an exchange if:

(i) the exchange would have been eligible for nonrecognition of gain or loss under Section 1031 of the Internal Revenue Code in effect on January 1, 2017;

(ii) the exchange is not eligible for nonrecognition of gain or loss under Section 1031 of the Internal Revenue Code; and

(iii) the taxpayer made an election to take deductions under Section 179 of the Internal Revenue Code with regard to the acquired property in the year that the property was placed into service.

The amount of deductions allowable for an item of property under this clause may not exceed the amount of adjusted gross income realized on the property that would have been deferred under the Internal Revenue Code in effect on January 1, 2017.

(6) Subtract income that is:

(A) exempt from taxation under IC 6-3-2-21.7 (certain income derived from patents); and

(B) included in the taxpayer's taxable income under the Internal Revenue Code.

(7) Add an amount equal to any income not included in gross income as a result of the deferral of income arising from business indebtedness discharged in connection with the reacquisition after December 31, 2008, and before January 1, 2011, of an applicable debt instrument, as provided in Section 108(i) of the Internal Revenue Code. Subtract from the adjusted gross income of any taxpayer that added an amount to adjusted gross income in a previous year the amount necessary to offset the amount included in federal gross income as a result of the deferral of income arising from business indebtedness discharged in connection with the

reacquisition after December 31, 2008, and before January 1, 2011, of an applicable debt instrument, as provided in Section 108(i) of the Internal Revenue Code.

(8) Add the amount excluded from federal gross income under Section 103 of the Internal Revenue Code for interest received on an obligation of a state other than Indiana, or a political subdivision of such a state, that is acquired by the taxpayer after December 31, 2011.

(9) For taxable years beginning after December 25, 2016, add an amount equal to:

(A) the amount reported by the taxpayer on IRC 965 Transition Tax Statement, line 1;

(B) if the taxpayer deducted an amount under Section 965(c) of the Internal Revenue Code in determining the taxpayer's taxable income for purposes of the federal income tax, the amount deducted under Section 965(c) of the Internal Revenue Code; and

(C) with regard to any amounts of income under Section 965 of the Internal Revenue Code distributed by the taxpayer, the deduction under Section 965(c) of the Internal Revenue Code attributable to such distributed amounts and not reported to the beneficiary.

For purposes of this article, the amount required to be added back under clause (B) is not considered to be distributed or distributable to a beneficiary of the estate or trust for purposes of Sections 651 and 661 of the Internal Revenue Code.

(10) Subtract any interest expense paid or accrued in the current taxable year but not deducted as a result of the limitation imposed under Section 163(j)(1) of the Internal Revenue Code. Add any interest expense paid or accrued in a previous taxable year but allowed as a deduction under Section 163 of the Internal Revenue Code in the current taxable year. For purposes of this subdivision, an interest expense is considered paid or accrued only in the first taxable year the deduction would have been allowable under Section 163 of the Internal Revenue Code if the limitation under Section 163(j)(1) of the Internal Revenue Code did not exist.

(11) Add an amount equal to the deduction for qualified business income that was claimed by the taxpayer for the taxable year under Section 199A of the Internal Revenue Code.

(12) Subtract the amount that would have been excluded from gross income but for the enactment of Section 118(b)(2) of the Internal Revenue Code for taxable years ending after December 22, 2017.

(13) Add or subtract any other amounts the taxpayer is:

(A) required to add or subtract; or

(B) entitled to deduct;

under IC 6-3-2.

(g) Subsections (a)(26), (b)(17), (d)(16), (e)(16), or (f)(13) may not be construed to require an add back or allow a deduction or exemption more than once for a particular add back, deduction, or exemption.

(h) For taxable years beginning after December 25, 2016, if:

(1) a taxpayer is a shareholder, either directly or indirectly, in a corporation that is an E&P deficit foreign corporation as defined in Section 965(b)(3)(B) of the Internal Revenue Code, and the earnings and profit deficit, or a portion of the earnings and profit deficit, of the E&P deficit foreign corporation is permitted to reduce the federal adjusted gross income or federal taxable income of the taxpayer, the deficit, or the portion of the deficit, shall also reduce the amount taxable under this section to the extent permitted under the Internal Revenue Code, however, in no case shall this permit a reduction in the amount taxable under Section 965 of the Internal Revenue Code for purposes of this section to be less than zero (0); and

(2) the Internal Revenue Service issues guidance that such an income or deduction is not reported directly on a federal tax return or is to be reported in a manner different than specified in this section, this section shall be construed as if federal adjusted gross income or federal taxable income included the income or deduction.

SECTION 22. IC 6-3-1-11, AS AMENDED BY P.L.234-2019, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2020 (RETROACTIVE)]: Sec. 11. (a) The term

"Internal Revenue Code" means the Internal Revenue Code of 1986 of the United States as amended and in effect on January 1, ~~2019.~~ **2020.**

(b) Whenever the Internal Revenue Code is mentioned in this article, the particular provisions that are referred to, together with all the other provisions of the Internal Revenue Code in effect on January 1, ~~2019,~~ **2020,** that pertain to the provisions specifically mentioned, shall be regarded as incorporated in this article by reference and have the same force and effect as though fully set forth in this article. To the extent the provisions apply to this article, regulations adopted under Section 7805(a) of the Internal Revenue Code and in effect on January 1, ~~2019,~~ **2020,** shall be regarded as rules adopted by the department under this article, unless the department adopts specific rules that supersede the regulation.

(c) An amendment to the Internal Revenue Code made by an act passed by Congress before January 1, ~~2019,~~ **2020,** other than the federal 21st Century Cures Act (P.L. 114-255) and the federal Disaster Tax Relief and Airport and Airway Extension Act of 2017 (P.L. 115-63), that is effective for any taxable year that began before January 1, ~~2019,~~ **2020,** and that affects:

(1) individual adjusted gross income (as defined in Section 62 of the Internal Revenue Code);

(2) corporate taxable income (as defined in Section 63 of the Internal Revenue Code);

(3) trust and estate taxable income (as defined in Section 641(b) of the Internal Revenue Code);

(4) life insurance company taxable income (as defined in Section 801(b) of the Internal Revenue Code);

(5) mutual insurance company taxable income (as defined in Section 821(b) of the Internal Revenue Code); or

(6) taxable income (as defined in Section 832 of the Internal Revenue Code);

is also effective for that same taxable year for purposes of determining adjusted gross income under section 3.5 of this chapter.

(d) This subsection applies to a taxable year ending before January 1, 2013. The following provisions of the Internal Revenue Code that were amended by the Tax Relief Act, Unemployment Insurance Reauthorization, and Job Creation Act of 2010 (P.L. 111-312) are

treated as though they were not amended by the Tax Relief Act, Unemployment Insurance Reauthorization, and Job Creation Act of 2010 (P.L. 111-312):

(1) Section 1367(a)(2) of the Internal Revenue Code pertaining to an adjustment of basis of the stock of shareholders.

(2) Section 871(k)(1)(C) and 871(k)(2)(C) of the Internal Revenue Code pertaining the treatment of certain dividends of regulated investment companies.

(3) Section 897(h)(4)(A)(ii) of the Internal Revenue Code pertaining to regulated investment companies qualified entity treatment.

(4) Section 512(b)(13)(E)(iv) of the Internal Revenue Code pertaining to the modification of tax treatment of certain payments to controlling exempt organizations.

(5) Section 613A(c)(6)(H)(ii) of the Internal Revenue Code pertaining to the limitations on percentage depletion in the case of oil and gas wells.

(6) Section 451(i)(3) of the Internal Revenue Code pertaining to special rule for sales or dispositions to implement Federal Energy Regulatory Commission or state electric restructuring policy for qualified electric utilities.

(7) Section 954(c)(6) of the Internal Revenue Code pertaining to the look-through treatment of payments between related controlled foreign corporation under foreign personal holding company rules.

The department shall develop forms and adopt any necessary rules under IC 4-22-2 to implement this subsection.

SECTION 23. IC 6-3-2-6, AS AMENDED BY P.L.146-2008, SECTION 318, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2021]: Sec. 6. (a) Each taxable year, an individual who rents a dwelling for use as the individual's principal place of residence may deduct from the individual's adjusted gross income (as defined in IC 6-3-1-3.5(a)), the lesser of:

(1) the amount of rent paid by the individual with respect to the dwelling during the taxable year; or

(2) three thousand dollars ($3,000).

(b) Notwithstanding subsection (a):

(1) ~~a husband and wife~~ **a married couple** filing a joint ~~adjusted gross income tax~~ return for a particular taxable year may not claim a deduction under this section of more than three thousand dollars ($3,000); **and**

(2) a married individual filing a separate return for a particular taxable year may not claim a deduction under this section of more than one thousand five hundred dollars ($1,500).

(c) The deduction provided by this section does not apply to an individual who rents a dwelling that is exempt from Indiana property tax.

(d) For purposes of this section, a "dwelling" includes a single family dwelling and unit of a multi-family dwelling.

SECTION 24. IC 6-3-2-9, AS AMENDED BY P.L.99-2007, SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2021]: Sec. 9. (a) An individual who:

(1) retired on disability before the end of the taxable year; and

(2) had a permanent and total disability, as determined under subsection (c), at the time of retirement;

is entitled to a deduction from the individual's adjusted gross income for that taxable year in the amount determined under subsection (b).

(b) The deduction provided by subsection (a) is the amount determined using the following STEPS:

STEP ONE: Determine the amount received by the individual during the taxable year through an accident and health plan for personal injuries or sickness to the extent that:

(A) these amounts are attributable to contributions by the individual's employer that were not includable in the individual's gross income or are paid by the employer; and

(B) these amounts constitute wages or payments in lieu of wages for a period during which the employee is absent from work because of permanent and total disability.

STEP TWO: Determine for each week of the taxable year the amount by which each weekly payment referred to in STEP ONE exceeds one hundred dollars ($100), then add these amounts.

STEP THREE: Determine the amount by which the individual's federal adjusted gross income for the taxable year, as defined by

Section 62 of the Internal Revenue Code, exceeds fifteen thousand dollars ($15,000), **or seven thousand five hundred dollars ($7,500) in the case of a married individual filing a separate return.**

STEP FOUR: Subtract from the amount determined in STEP ONE the amount determined in STEP TWO and the amount determined in STEP THREE.

(c) For purposes of this section, an individual has a permanent and total disability if the individual is unable to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment that can be expected to result in death or that has lasted or can be expected to last for a continuous period of not less than twelve (12) months. An individual may not be considered to have a permanent and total disability unless the individual furnishes proof of the existence of the disability as the department of revenue may require.

SECTION 25. IC 6-3-3-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. **(a) Subject to subsection (b),** the amount deducted and withheld as tax under ~~IC 6-3-4-8, IC 6-3-4-12, and IC 6-3-4-13~~ **IC 6-3-4 or IC 6-5.5-2-8** during any taxable year shall be allowed as a credit to the taxpayer against the tax imposed on ~~him~~ **the taxpayer** by IC 6-3-2.

(b) For each taxable year, the credit provided to a taxpayer by subsection (a) is reduced to the extent that the amount deducted and withheld as tax under IC 6-3-4 or IC 6-5.5-2-8 during the taxable year is applied as a credit against the tax imposed by IC 6-5.5.

SECTION 26. IC 6-3-4-13.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2020]: **Sec. 13.5. (a) The following definitions apply throughout this section:**

(1) "Initial recipient" means a person or entity to whom prize money is paid by a payor.

(2) "Payor" means a promoter, sanctioning body, or designee of the promoter or sanctioning body that first pays prize money to a race team or any other person or entity. The term does not include a subsequent person or entity who pays or distributes any part of the prize money.

(3) "Prize money" with respect to a racing event at a qualified motorsports facility means any purse or other amounts earned for placement or participation in a race or part of a race, including qualification. The term does not include amounts earned based on placement or participation in more than one (1) race unless the races are conducted at a qualified motorsports facility.

(4) "Qualified motorsports facility" has the meaning set forth in IC 5-1-17.5-14.

(5) "Race team" has the meaning set forth in IC 6-3-2-3.2(a).

(6) "Ultimate recipient" means the person or entity to whom any tax withheld under this section is to be credited for purposes of this article or IC 6-5.5. The term may apply to an initial recipient.

(b) Whenever a payor pays prize money to an initial recipient, the payor shall deduct and retain from the prize money the applicable amount prescribed in the withholding instructions described in section 8 of this chapter. The following provisions apply to a payor and the money required to be deducted and retained by the payor under this section:

(1) Money deducted and retained by a payor under this section immediately becomes the money of the state and every payor who deducts and retains money under this section holds the money in trust for the state.

(2) The provisions of IC 6-8.1 relating to additions to tax in case of delinquency and penalties apply to a payor under this section. For these purposes, the payor shall be considered the taxpayer and any amount required to be remitted to the department under this section shall be considered to be the tax of the payor.

(3) The payor is liable to the state for the payment of the tax required to be deducted and retained under this section. The payor is not liable to any initial recipient or ultimate recipient for the amount deducted from the payment of prize money and paid to the department in compliance, or intended compliance, with this section.

(c) A payor shall remit to the department the amount required to be deducted and retained under subsection (b) not later than thirty (30) days after the end of the month in which the prize money is paid. At the time of the remittance, the payor shall provide to the department a list of all initial recipients and the amount withheld on behalf of each initial recipient on forms prescribed by the department.

(d) Not later than thirty (30) days after the end of the calendar year for which tax is withheld under this section, an initial recipient shall provide a statement to each ultimate recipient and to the department listing the amounts withheld under subsection (b) on behalf of the ultimate recipients. The statement must be made in the manner prescribed by the department. A statement from the initial recipient to the ultimate recipient is evidence of tax withheld by the payor in favor of the ultimate recipient unless the statement from the initial recipient is determined to be erroneous or fraudulent.

(e) This section does not impose a duty to withhold amounts from prize money on an entity other than a payor. However, an initial recipient or ultimate recipient may otherwise have a duty to withhold amounts from prize money under sections 8, 12, 13, or 15 of this chapter.

SECTION 27. IC 6-3-4-16.7, AS ADDED BY P.L.234-2019, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 16.7. (a) For taxable years ending after December 31, 2019, a partnership that is required to provide twenty-five (25) or more ~~reports~~ **schedules K-1 of form IT-65** to partners ~~under section 12(b) of this chapter~~ or a corporation that is required to provide twenty-five (25) or more ~~reports~~ **schedules K-1 of form IT-20S** to shareholders ~~under section 13(b) of this chapter~~ must file all such ~~reports~~ **schedules** in an electronic format specified by the department.

(b) For taxable years ending after December 31, 2021, an estate or trust required to provide ten (10) or more ~~reports~~ **schedules K-1 of form IT-41** to beneficiaries ~~under section 15(b) of this chapter~~ must file all such reports in an electronic format specified by the department.

(c) If the department receives a form IT-65, form IT-20S, or form IT-41 with more than fifty (50) schedules K-1 in a format other than the electronic format specified by the department, the department may provide written notification to the partnership, estate, or trust that the department will consider the schedules to not be filed until the schedules have been filed in the specified electronic format.

SECTION 28. IC 6-3.1-16.1 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2016 (RETROACTIVE)]:

Chapter 16.1. Historic Rehabilitation Tax Credit

Sec. 1. (a) For purposes of this section, "department" refers to:

(1) the department of natural resources; or

(2) the office of community and rural affairs.

(b) This section applies notwithstanding:

(1) the cap of zero dollars ($0) on the amount of historic rehabilitation tax credits allowed in a state fiscal year beginning after June 30, 2016, as set forth in IC 6-3.1-16-14 (before its expiration); and

(2) the expiration of the historic rehabilitation tax credit chapter (IC 6-3.1-16) on January 1, 2019.

(c) If a taxpayer was granted a historic rehabilitation tax credit by the department before January 1, 2016, for a qualified expenditure made before June 30, 2016, under IC 6-3.1-16 (before its expiration) for use in a taxable year other than the year in which the preservation or rehabilitation of the historic property was performed and the certification of the credit was provided by the department, the credit described in this subsection may nevertheless be claimed in the subsequent year for which the credit was granted by the department and may be carried forward as set forth in this section.

(d) If the credit provided by this section exceeds a taxpayer's state tax liability for the taxable year for which the credit is first claimed, the excess may be carried over to succeeding taxable years and used as a credit against the tax otherwise due and payable by the taxpayer under IC 6-3 during those taxable years. Each time that the credit is carried over to a succeeding taxable

year, the credit is to be reduced by the amount that was used as a credit during the immediately preceding taxable year. The credit provided by this chapter may be carried forward and applied to succeeding taxable years for fifteen (15) taxable years following the taxable year in which the taxpayer is first entitled to claim the credit under this chapter.

(e) A credit earned by a taxpayer in a particular taxable year shall be applied against the taxpayer's tax liability for that taxable year before any credit carryover is applied against that liability under subsection (d).

(f) A taxpayer is not entitled to any carryback or refund of any unused credit.

(g) All of the provisions under IC 6-3.1-16 (before its expiration) shall be considered to be in effect for credits claimed under this chapter, except to the extent expressly inconsistent with this chapter.

SECTION 29. IC 6-3.1-20-4, AS AMENDED BY P.L.250-2015, SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2021]: Sec. 4. (a) Except as provided in ~~subsection~~ **subsections** (b) **and (c),** an individual is entitled to a credit under this chapter if:

(1) the individual's Indiana income for the taxable year is less than eighteen thousand six hundred dollars ($18,600); and

(2) the individual pays property taxes in the taxable year on a homestead that:

(A) the individual:

(i) owns; or

(ii) is buying under a contract that requires the individual to pay property taxes on the homestead, if the contract or a memorandum of the contract is recorded in the county recorder's office; and

(B) is located in a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000).

(b) An individual is not entitled to a credit under this chapter for a taxable year for property taxes paid on the individual's homestead if the

individual claims the deduction under IC 6-3-1-3.5(a)(13) for the homestead for that same taxable year.

(c) In the case of a married individual filing a separate return, the income amount in subsection (a) shall be fifty percent (50%) of the amount listed in that subsection.

SECTION 30. IC 6-3.1-20-5, AS AMENDED BY P.L.166-2014, SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2021]: Sec. 5. (a) Each year, an individual described in section 4 of this chapter is entitled to a refundable credit against the individual's state income tax liability in the amount determined under this section.

(b) In the case of an individual with Indiana income of less than eighteen thousand dollars ($18,000) for the taxable year, the amount of the credit is equal to the lesser of:

(1) three hundred dollars ($300); or

(2) the amount of property taxes described in section 4(a)(2) of this chapter paid by the individual in the taxable year.

(c) In the case of an individual with Indiana income that is at least eighteen thousand dollars ($18,000) but less than eighteen thousand six hundred dollars ($18,600) for the taxable year, the amount of the credit is equal to the lesser of the following:

(1) An amount determined under the following STEPS:

STEP ONE: Determine the result of:

(i) eighteen thousand six hundred dollars ($18,600); minus

(ii) the individual's Indiana income for the taxable year.

STEP TWO: Determine the result of:

(i) the STEP ONE amount; multiplied by

(ii) five-tenths (0.5).

(2) The amount of property taxes described in section 4(a)(2) of this chapter paid by the individual in the taxable year.

(d) If the amount of the credit under this chapter exceeds the individual's state tax liability for the taxable year, the excess shall be refunded to the taxpayer.

(e) In the case of a married individual filing a separate return, the income and dollar amounts in subsections (b) and (c) shall be fifty percent (50%) of the amounts listed in those subsections.

SECTION 31. IC 6-5.5-1-21 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2021]: **Sec. 21. (a) "Loans arising in factoring" means:**

(1) a loan or extension of credit secured by one (1) or more accounts receivable; or

(2) a sale of one (1) or more accounts receivable in which the purchaser has recourse against the seller for an uncollected accounts receivable.

(b) The term does not refer to:

(1) a sale of one (1) or more accounts receivable without recourse; or

(2) an assignment of an account receivable.

SECTION 32. IC 6-6-1.1-606.5, AS AMENDED BY P.L.234-2019, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 606.5. (a) Every person included within the terms of section 606(a) and 606(c) of this chapter shall register with the administrator before engaging in those activities. The administrator shall issue a transportation license to a person who registers with the administrator under this section.

(b) Every person included within the terms of section 606(a) of this chapter who transports gasoline in a vehicle on the highways in Indiana for purposes other than use and consumption by that person may not make a delivery of that gasoline to any person in Indiana other than a licensed distributor except:

(1) when the tax imposed by this chapter on the receipt of the transported gasoline was charged and collected by the parties; and

(2) under the circumstances described in section 205 of this chapter.

(c) Every person included within the terms of section 606(c) of this chapter who transports gasoline in a vehicle upon the highways of Indiana for purposes other than use and consumption by that person may not, on the journey carrying that gasoline to points outside Indiana, make delivery of that fuel to any person in Indiana.

~~(d) Every transporter of gasoline included within the terms of section 606(a) and 606(c) of this chapter who transports gasoline upon the highways of Indiana for purposes other than use and consumption by~~

~~that person shall at the time of registration and on an annual basis list with the administrator a description of all vehicles, including the vehicles' license numbers, to be used on the highways of Indiana in transporting gasoline from:~~

~~(1) points outside Indiana to points inside Indiana; and~~

~~(2) points inside Indiana to points outside Indiana.~~

~~(e) The description that subsection (d) requires shall contain the information that is reasonably required by the administrator including the carrying capacity of the vehicle. When the vehicle is a tractor-trailer type, the trailer is the vehicle to be described. When additional vehicles are placed in service or when a vehicle previously listed is retired from service during the year, the administrator shall be notified within ten (10) days of the change so that the listing of the vehicles may be kept accurate.~~

~~(f)~~ **(d)** A distributor's or an Indiana transportation license is required for a person or the person's agent acting in the person's behalf to operate a vehicle for the purpose of delivering gasoline within the boundaries of Indiana when the vehicle has a total tank capacity of at least eight hundred fifty (850) gallons.

~~(g)~~ **(e)** The operator of a vehicle to which this section applies shall at all times when engaged in the transporting of gasoline on the highways have with the vehicle an invoice or manifest showing the origin, quantity, nature, and destination of the gasoline that is being transported.

~~(h)~~ **(f)** The department shall provide for relief if a shipment of gasoline is legitimately diverted from the represented destination state after the shipping paper has been issued by a terminal operator or if a terminal operator failed to cause proper information to be printed on the shipping paper. Provisions for relief under this subsection:

(1) must require that the shipper or its agent obtain a diversion number within twenty-four (24) hours of the diversion and report the number on the shipper's or agent's monthly return to the department; and

(2) must be consistent with the refund provisions of this chapter.

SECTION 33. IC 6-6-2.5-42 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 42. (a) Each application for a license under section 41 of this chapter shall be made

upon a form prepared and furnished by the department. It shall be subscribed to by the applicant and shall contain the information as the department may reasonably require for the administration of this chapter, including the applicant's federal identification number and, with respect to the applicant for an exporter's license, a copy of the applicant's license to purchase or handle special fuel tax free in the specified destination state or states for which the export license is to be issued.

(b) The department shall investigate each applicant for a license under this section. No license shall be issued if the department determines that any one (1) of the following exists:

(1) The application is not filed in good faith.

(2) The applicant is not the real party in interest.

(3) The license of the real party in interest has been revoked for cause.

(4) Other reasonable cause for non-issuance exists.

~~(c) Applicants, including corporate officers, partners, and individuals, for a license issued by the commissioner may be required to submit their fingerprints to the commissioner at the time of applying. Officers of publicly held corporations and their subsidiaries shall be exempt from this fingerprinting provision. Fingerprints required by this section must be submitted on forms prescribed by the commissioner. The commissioner may forward to the Federal Bureau of Investigation or any other agency for processing all fingerprints submitted by license applicants. The receiving agency shall issue its findings to the commissioner. The license application fee shall be used to pay the costs of the investigation. The commissioner may maintain a file of fingerprints.~~

SECTION 34. IC 6-6-2.5-43 IS REPEALED [EFFECTIVE JULY 1, 2020]. ~~Sec. 43. (a) Each licensed transporter shall at the time of licensing and on an annual basis, list with the commissioner a description of all vehicles, including license numbers, to be used on the highways of Indiana in transporting special fuel from points outside Indiana to points inside Indiana and from points inside Indiana to points outside Indiana.~~

~~(b) The description required in subsection (a) must comply with what is reasonably required by the commissioner, including the carrying~~

~~capacity of the vehicle. If the vehicle is a tractor-trailer type vehicle, the trailer is the vehicle that must be described. When additional vehicles are placed in service or when a vehicle previously listed is retired from service during the year, the commissioner shall be notified not more than ten (10) days after the change so that the listing of the vehicles may be kept accurate.~~

SECTION 35. IC 6-6-4.1-21 IS REPEALED [EFFECTIVE JULY 1, 2020]. ~~Sec. 21. A carrier subject to the taxes imposed under section 4 of this chapter, section 4.3 of this chapter (before its repeal), and section 4.5 of this chapter (before its repeal) who fails to file a quarterly report as required by section 10 of this chapter shall pay a civil penalty of three hundred dollars ($300) for each report that is not filed.~~

SECTION 36. IC 6-8.1-3-7.1, AS AMENDED BY P.L.108-2019, SECTION 133, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 7.1. (a) **As used in this section,** "fiscal officer" ~~has the meaning set forth~~ **means:**

(1) a fiscal officer (as defined in IC 36-1-2-7); **and**

(2) in the case of a county, the county treasurer.

(b) The department shall enter into an agreement with the fiscal officer of an entity that has adopted an innkeeper's tax, a food and beverage tax, or an admissions tax under IC 6-9 to furnish the fiscal officer annually with:

(1) the name of each business collecting the taxes listed in this subsection; and

(2) the amount of money collected from each business.

For an innkeeper's tax or food and beverage tax remitted through a marketplace facilitator, the information must include the name of each business and the amount of money collected from each business by a marketplace facilitator acting on behalf of the business.

(c) The agreement must provide that the department must provide the information in an electronic format that the fiscal officer can use. ~~as well as a paper copy.~~

(d) The agreement must include a provision that, unless in accordance with a judicial order, the fiscal officer, employees of the fiscal officer, former employees of the fiscal officer, counsel of the fiscal officer, agents of the fiscal officer, or any other person may not divulge the names of the businesses, the amount of taxes paid by the

businesses, or any other information disclosed to the fiscal officer by the department.

(e) The department shall also enter into an agreement with the fiscal officer of a capital improvement board of managers:

(1) created under IC 36-10-8 or IC 36-10-9; and

(2) that is responsible for expenditure of funds from:

(A) an innkeeper's tax, a food and beverage tax, or an admissions tax under IC 6-9;

(B) the supplemental auto rental excise tax under IC 6-6-9.7; or

(C) the state gross retail taxes allocated to a professional sports development area fund, a sports and convention facilities operating fund, or other fund under IC 36-7-31 or IC 36-7-31.3;

to furnish the fiscal officer annually with the name of each business collecting the taxes listed in this subsection, and the amount of money collected from each business. An agreement with a fiscal officer under this subsection must include a nondisclosure provision the same as is required for a fiscal officer under subsection (d).

SECTION 37. IC 6-8.1-3-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 8. **(a)** The department may prescribe qualifications a person must have to represent a taxpayer before the department. However, a person may not represent a taxpayer before the department, unless:

(1) the taxpayer is present at all times when the representation occurs; or

(2) the person representing the taxpayer has a properly executed power of attorney authorizing ~~him~~ **the person** to represent the taxpayer.

(b) Notwithstanding any other law, the department may require a power of attorney relating to a listed tax to be completed on a form prescribed by the department.

(c) The department may accept a power of attorney that names an entity as a representative of a taxpayer, subject to rules adopted under IC 4-22-2, including emergency rules adopted in the manner provided in IC 4-22-2-37.1. Notwithstanding this article or IC 30-5, the department may adopt rules under IC 4-22-2, including

emergency rules adopted in manner provided in IC 4-22-2-37.1, allowing a change of individuals acting on behalf of the entity without requiring a new or amended power of attorney to be completed by the taxpayer.

SECTION 38. IC 6-8.1-3-17, AS AMENDED BY P.L.214-2018(ss), SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 17. (a) Before an original tax appeal is filed with the tax court under IC 33-26, the commissioner, **or the taxpayer rights advocate office to the extent granted the authority by the commissioner,** may settle any tax liability dispute if a substantial doubt exists as to:

(1) the constitutionality of the tax under the Constitution of the State of Indiana;

(2) the right to impose the tax;

(3) the correct amount of tax due;

(4) the collectability of the tax; or

(5) whether the taxpayer is a resident or nonresident of Indiana.

(b) After an original tax appeal is filed with the tax court under IC 33-26, and notwithstanding IC 4-6-2-11, the commissioner may settle a tax liability dispute with an amount in contention of twenty-five thousand dollars ($25,000) or less. Notwithstanding IC 6-8.1-7-1(a), the terms of a settlement under this subsection are available for public inspection.

(c) The department shall establish an amnesty program for taxpayers having an unpaid tax liability for a listed tax that was due and payable for a tax period ending before January 1, 2013. A taxpayer is not eligible for the amnesty program:

(1) for any tax liability resulting from the taxpayer's failure to comply with IC 6-3-1-3.5(b)(3) with regard to the tax imposed by IC 4-33-13 or IC 4-35-8; or

(2) if the taxpayer participated in any previous amnesty program under:

(A) this section (as in effect on December 31, 2014); or

(B) IC 6-2.5-14.

The time in which a voluntary payment of tax liability may be made (or the taxpayer may enter into a payment program acceptable to the department for the payment of the unpaid listed taxes in full in the

manner and time established in a written payment program agreement between the department and the taxpayer) under the amnesty program is limited to the period determined by the department, not to exceed eight (8) regular business weeks ending before the earlier of the date set by the department or January 1, 2017. The amnesty program must provide that, upon payment by a taxpayer to the department of all listed taxes due from the taxpayer for a tax period (or payment of the unpaid listed taxes in full in the manner and time established in a written payment program agreement between the department and the taxpayer), entry into an agreement that the taxpayer is not eligible for any other amnesty program that may be established and waives any part of interest and penalties on the same type of listed tax that is being granted amnesty in the current amnesty program, and compliance with all other amnesty conditions adopted under a rule of the department in effect on the date the voluntary payment is made, the department:

(1) shall abate and not seek to collect any interest, penalties, collection fees, or costs that would otherwise be applicable;

(2) shall release any liens imposed;

(3) shall not seek civil or criminal prosecution against any individual or entity; and

(4) shall not issue, or, if issued, shall withdraw, an assessment, a demand notice, or a warrant for payment under IC 6-8.1-5-1, IC 6-8.1-5-3, IC 6-8.1-8-2, or another law against any individual or entity;

for listed taxes due from the taxpayer for the tax period for which amnesty has been granted to the taxpayer. Amnesty granted under this subsection is binding on the state and its agents. However, failure to pay to the department all listed taxes due for a tax period invalidates any amnesty granted under this subsection for that tax period. The department shall conduct an assessment of the impact of the tax amnesty program on tax collections and an analysis of the costs of administering the tax amnesty program. As soon as practicable after the end of the tax amnesty period, the department shall submit a copy of the assessment and analysis to the legislative council in an electronic format under IC 5-14-6. The department shall enforce an agreement with a taxpayer that prohibits the taxpayer from receiving amnesty in another amnesty program.

(d) For purposes of subsection (c), a liability for a listed tax is due and payable if:

(1) the department has issued:

(A) an assessment of the listed tax under IC 6-8.1-5-1;

(B) a demand for payment under IC 6-8.1-5-3; or

(C) a demand notice for payment of the listed tax under IC 6-8.1-8-2;

(2) the taxpayer has filed a return or an amended return in which the taxpayer has reported a liability for the listed tax; or

(3) the taxpayer has filed a written statement of liability for the listed tax in a form that is satisfactory to the department.

(e) The department may waive interest and penalties if the general assembly enacts a change in a listed tax for a tax period that increases a taxpayer's tax liability for that listed tax after the due date for that listed tax and tax period. However, such a waiver shall apply only to the extent of the increase in tax liability and only for a period not exceeding sixty (60) days after the change is enacted. The department may adopt rules, including emergency rules, or issue guidelines to carry out this subsection.

SECTION 39. IC 6-8.1-3-27 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 27. (a) The appropriate county officer, as designated by the county executive, in each county shall, before September 1, 2021, and before September 1 of every year thereafter, submit parcel level data, in a standard developed by the state GIS officer pursuant to IC 4-23-7.3-14, to the state GIS officer. This data may be used by the department's tax systems to identify each taxing unit within which each taxpayer's residence is located.**

(b) Beginning January 1, 2022, the department shall integrate the geographic information system data developed and updated by the state GIS officer.

(c) Before July 1, 2022, and before every July 1 thereafter, the department, consulting with the state GIS officer, shall submit a report to the general assembly in an electronic format under IC 5-14-6 concerning the implementation and use of geographic information systems under this section.

SECTION 40. IC 6-8.1-4-4, AS AMENDED BY P.L.257-2017, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 4. (a) The department shall establish a registration center to service ~~owners of~~ **motor carriers or entities that otherwise own or operate** commercial motor vehicles.

(b) The registration center is under the supervision of the department through the motor carrier services division.

(c) **A motor carrier or an entity that is otherwise** an owner or operator of a commercial motor vehicle may apply to the registration center for the following:

(1) Vehicle registration (IC 9-18.1).

(2) Motor carrier fuel tax annual permit.

(3) Proportional use credit certificate (IC 6-6-4.1-4.7).

(4) Certificate of operating authority.

(5) Oversize vehicle permit (IC 9-20-3).

(6) Overweight vehicle permit (IC 9-20-4).

(7) Payment of the commercial vehicle excise tax imposed under IC 6-6-5.5.

(d) The commissioner may deny an application described in subsection (c) if the applicant fails to do any of the following with respect to a listed tax:

(1) File all tax returns or information reports.

(2) Pay all taxes, penalties, and interest.

(e) The commissioner may:

(1) deny an application for an oversize vehicle permit, an overweight vehicle permit, or a single oversize-overweight permit; or

(2) suspend any permit issued to a person;

if the applicant or permit holder is delinquent in paying escort fees to the state police department.

(f) The commissioner may suspend or revoke any registration, permit, certificate, or authority if the person to whom the registration, permit, certificate, or authority is issued fails to do any of the following with respect to a listed tax:

(1) File all tax returns or information reports.

(2) Pay all taxes, penalties, and interest.

(g) Funding for the development and operation of the registration center shall be taken from the motor carrier regulation fund (IC 8-2.1-23-1).

(h) The department shall recommend to the general assembly other functions that the registration center may perform.

SECTION 41. IC 6-8.1-5-1.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 1.5. (a) This section applies to:**

(1) department audits, investigations, or reviews; and

(2) amended returns filed by a taxpayer;

that result in an adjustment to a net operating loss, capital loss, credit, or other tax attribute that does not result in an assessment or refund denial for any taxable year at the time of the adjustment.

(b) A taxpayer may request a secondary review of any adjustments made by the department or by the taxpayer within sixty (60) days from the date of notice of the adjustments based on:

(1) the department's audit, investigation, or review; or

(2) the amended return filed by the taxpayer;

whichever is applicable.

(c) If a taxpayer requests a secondary review under this section, the department shall review the taxpayer's request and may, upon the request of the taxpayer, conduct a conference regarding the adjustment.

(d) Upon completion of the department's secondary review, the department shall either:

(1) determine that the previous adjustments were correct; or

(2) issue revised adjustments of relevant tax attributes.

(e) A taxpayer and the department may enter into a binding agreement to resolve, in whole or in part, any issues relating to one (1) or more adjustments.

(f) Except as provided in subsection (e), for purposes of:

(1) IC 6-8.1-5-1;

(2) IC 6-8.1-9-1; or

(3) an appeal related to subdivision (1) or (2);

an adjustment described in subsection (a) or the result of the department's secondary review under subsection (d) does not

constitute a final determination and may not be construed to treat any adjustment as finally determined.

SECTION 42. IC 6-8.1-5-2, AS AMENDED BY P.L.256-2017, SECTION 86, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2020]: Sec. 2. (a) Except as otherwise provided in this section **and section 2.5 of this chapter,** the department may not issue a proposed assessment under section 1 of this chapter more than three (3) years after the latest of the date the return is filed, or ~~either of~~ the following:

(1) The due date of the return.

(2) In the case of a return filed for the state gross retail or use tax, **the gasoline use tax,** the gasoline tax **(including the inventory tax),** the special fuel tax **(including the inventory tax),** the motor carrier fuel tax **(including the inventory tax),** the oil inspection fee, **the cigarette tax, the tobacco products tax, any county innkeeper's taxes imposed under IC 6-9, any food and beverage taxes imposed under IC 6-9, any county or local admissions taxes imposed under IC 6-9,** or the petroleum severance tax, the end of the calendar year which contains the taxable period for which the return is filed.

(3) In the case of the use tax, three (3) years from the end of the calendar year in which the first taxable use, other than an incidental nonexempt use, of the property occurred.

(b) If a person files a return for the utility receipts tax (IC 6-2.3), adjusted gross income tax (IC 6-3), supplemental net income tax (IC 6-3-8) (repealed), county adjusted gross income tax (IC 6-3.5-1.1) (repealed), county option income tax (IC 6-3.5-6) (repealed), local income tax (IC 6-3.6), or financial institutions tax (IC 6-5.5) that understates the person's income, as that term is defined in the particular income tax law, by at least twenty-five percent (25%), the proposed assessment limitation is six (6) years instead of the three (3) years provided in subsection (a).

(c) In the case of the vehicle excise tax (IC 6-6-5), the tax shall be assessed as provided in IC 6-6-5 and shall include the penalties and interest due on all listed taxes not paid by the due date. A person that fails to properly register a vehicle as required by IC 9-18 (before its

expiration) or IC 9-18.1 and pay the tax due under IC 6-6-5 is considered to have failed to file a return for purposes of this article.

(d) In the case of the commercial vehicle excise tax imposed under IC 6-6-5.5, the tax shall be assessed as provided in IC 6-6-5.5 and shall include the penalties and interest due on all listed taxes not paid by the due date. A person that fails to properly register a commercial vehicle as required by IC 9-18 (before its expiration) or IC 9-18.1 and pay the tax due under IC 6-6-5.5 is considered to have failed to file a return for purposes of this article.

(e) In the case of the excise tax imposed on recreational vehicles and truck campers under IC 6-6-5.1, the tax shall be assessed as provided in IC 6-6-5.1 and must include the penalties and interest due on all listed taxes not paid by the due date. A person that fails to properly register a recreational vehicle as required by IC 9-18 (before its expiration) or IC 9-18.1 and pay the tax due under IC 6-6-5.1 is considered to have failed to file a return for purposes of this article. A person that fails to pay the tax due under IC 6-6-5.1 on a truck camper is considered to have failed to file a return for purposes of this article.

(f) If a person files a fraudulent, unsigned, or substantially blank return, or if a person does not file a return, there is no time limit within which the department must issue its proposed assessment.

(g) If any part of a listed tax has been erroneously refunded by the department, the erroneous refund may be recovered through the assessment procedures established in this chapter. An assessment issued for an erroneous refund must be issued **within the later of:**

(1) the period for which an assessment could otherwise be issued under this section; or

(2) whichever is applicable:

~~(1)~~ **(A)** within two (2) years after making the refund; or

~~(2)~~ **(B)** within five (5) years after making the refund if the refund was induced by fraud or misrepresentation.

(h) If, before the end of the time within which the department may make an assessment, the department and the person agree to extend that assessment period, the period may be extended according to the terms of a written agreement signed by both the department and the person. The agreement must contain:

(1) the date to which the extension is made; and

(2) a statement that the person agrees to preserve the person's records until the extension terminates.

The department and a person may agree to more than one (1) extension under this subsection.

(i) **Except as otherwise provided in subsection (j),** if a taxpayer's federal taxable income, federal adjusted gross income, or federal income tax liability for a taxable year is modified due to a modification as provided under IC 6-3-4-6(c) and IC 6-3-4-6(d) (for the adjusted gross income tax), or a modification or alteration as provided under IC 6-5.5-6-6(c) and IC 6-5.5-6-6(e) (for the financial institutions tax), then the date by which the department must issue a proposed assessment under section 1 of this chapter for tax imposed under IC 6-3 is extended to six (6) months after the date on which the notice of modification is filed with the department by the taxpayer.

(j) The following apply:

(1) This subsection applies to partnerships whose taxable year:

(A) begins after December 31, 2017;

(B) ends after August 12, 2018; or

(C) begins after November 2, 2015, and before January 1, 2018, and for which a valid election under United States Treasury Regulation 301.9100-22 is in effect;

and to the partners of such partnerships, including any partners, shareholders, or beneficiaries of a pass through entity that is a partner in such partnership.

(2) Notwithstanding any other provision of this article, if a partnership is subject to federal income tax liability or a federal tax adjustment at the partnership level as the result of a modification under Sections 6221 through 6241 of the Internal Revenue Code, the date on which the department must issue a proposed assessment to either the partners or the partnership shall be the later of:

(A) the date on which a proposed assessment must otherwise be issued to the partner or the partnership under this section with regard to the taxable year of the partnership to which the modification is taxed at the partnership level; or

(B) December 31, 2021.

(3) For purposes of this section and IC 6-8.1-9-1, a modification under this subsection shall be considered a modification to the federal taxable income, federal adjusted gross income, or federal income tax liability of both the partners and the partnership within the meaning of IC 6-3-4-6 and IC 6-5.5-6-6, and shall be considered to be included in the federal taxable income or federal adjusted gross income of both the partners and partnerships for purposes of this article and IC 6-5.5.

(4) If a modification made to a partnership for federal income tax purposes is reported to the partners to determine the partners' respective federal taxable income, federal adjusted gross income, or federal income tax liability, including reporting to partners as the result of an election made under Section 6226 of the Internal Revenue Code, subdivision (2) shall not apply, and those modifications shall be treated as modifications to the partners' federal taxable income, federal adjusted gross income, or federal income tax liability for purposes of the following:

(A) This section.

(B) IC 6-3-4-6.

(C) IC 6-5.5-6-6.

(D) IC 6-8.1-9-1.

SECTION 43. IC 6-8.1-7-1, AS AMENDED BY P.L.234-2019, SECTION 32, AND AS AMENDED BY P.L.285-2019, SECTION 2, AND AS AMENDED BY THE TECHNICAL CORRECTIONS BILL OF THE 2020 GENERAL ASSEMBLY, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1. (a) This subsection does not apply to the disclosure of information concerning a conviction on a tax evasion charge. Unless in accordance with a judicial order or as otherwise provided in this chapter, the department, its employees, former employees, counsel, agents, or any other person may not divulge the amount of tax paid by any taxpayer, terms of a settlement agreement executed between a taxpayer and the department, investigation records, investigation reports, or any other information disclosed by the reports filed under the provisions of

the law relating to any of the listed taxes, including required information derived from a federal return, except to any of the following when it is agreed that the information is to be confidential and to be used solely for official purposes:

(1) Members and employees of the department.

(2) The governor.

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

(4) An employee of the legislative services agency to carry out the responsibilities of the legislative services agency under IC 2-5-1.1-7 or another law.

(5) The attorney general or any other legal representative of the state in any action in respect to the amount of tax due under the provisions of the law relating to any of the listed taxes.

(6) Any authorized officers of the United States.

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

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

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

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

to the information safeguarding provisions of the state and federal Title IV-D programs.

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

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

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

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

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

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

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

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

(j) All information relating to the delinquency or evasion of the vehicle excise tax may be disclosed to the bureau of motor vehicles in Indiana and may be disclosed to another state, if the information is disclosed for the purpose of the enforcement and collection of the taxes imposed by IC 6-6-5.

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

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

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

(n) This section does not apply to:

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

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

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

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

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

~~*(6)*~~ *(5)* the vehicle excise tax (IC 6-6-5);

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

~~*(8)*~~ *(7)* the fees under IC 13-23.

(o) The name and business address of retail merchants within each county that sell tobacco products may be released to the division of

mental health and addiction and the alcohol and tobacco commission solely for the purpose of the list prepared under IC 6-2.5-6-14.2.

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

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

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

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

(r) The department may release the information as required in IC 6-8.1-3-7.1 concerning:

(1) an innkeeper's tax, a food and beverage tax, or an admissions tax under IC 6-9;
(2) the supplemental auto rental excise tax under IC 6-6-9.7; and
(3) the covered taxes allocated to a professional sports development area fund, sports and convention facilities operating fund, or other fund under IC 36-7-31 and IC 36-7-31.3.

(s) Information concerning state gross retail tax exemption certificates that relate to a person who is exempt from the state gross retail tax under IC 6-2.5-4-5 may be disclosed to a power subsidiary (as defined in IC 6-2.5-4-5) or a person selling the services or commodities listed in IC 6-2.5-4-5(b) for the purpose of enforcing and collecting the state gross retail and use taxes under IC 6-2.5.

(t) The department may release a statement of tax withholding or other tax information statement provided on behalf of a taxpayer to the department to:

(1) the taxpayer on whose behalf the tax withholding or other tax information statement was provided to the department;

(2) the taxpayer's spouse, if:

(A) the taxpayer is deceased or incapacitated; and

(B) the taxpayer's spouse is filing a joint income tax return with the taxpayer; or

(3) an administrator, executor, trustee, or other fiduciary acting on behalf of the taxpayer if the taxpayer is deceased.

(u) Information related to a listed tax regarding a taxpayer may be disclosed to an individual without a power of attorney under IC 6-8.1-3-8(a)(2) if:

(1) the individual is authorized to file returns and remit payments for one (1) or more listed taxes on behalf of the taxpayer through the department's online tax system before September 8, 2020;

(2) the information relates to a listed tax described in subdivision (1) for which the individual is authorized to file returns and remit payments;

(3) the taxpayer has been notified by the department of the individual's ability to access the taxpayer's information for the listed taxes described in subdivision (1) and the taxpayer has not objected to the individual's access;

(4) the individual's authorization or right to access the taxpayer's information for a listed tax described in subdivision (1) has not been withdrawn by the taxpayer; and

(5) disclosure of the information to the individual is not prohibited by federal law.

Except as otherwise provided by this article, this subsection does not authorize the disclosure of any correspondence from the department that is mailed or otherwise delivered to the taxpayer relating to the specified listed taxes for which the individual was given authorization by the taxpayer. The department shall establish a date, which may be earlier but not later than September 1, 2023, after which a taxpayer's information concerning returns

and remittances for a listed tax may not be disclosed to an individual without a power of attorney under IC 6-8.1-3-8(a)(2) by providing notice to the affected taxpayers and previously authorized individuals, including notification published on the department's Internet web site. After the earlier of the date established by the department or September 1, 2023, the department may not disclose a taxpayer's information concerning returns and remittances for a listed tax to an individual unless the individual has a power of attorney under IC 6-8.1-3-8(a)(2) or the disclosure is otherwise allowed under this article.

SECTION 44. IC 6-8.1-9-1, AS AMENDED BY P.L.86-2018, SECTION 81, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2020]: Sec. 1. (a) If a person has paid more tax than the person determines is legally due for a particular taxable period, the person may file a claim for a refund with the department. Except as provided in subsections (j), ~~and~~ (k), **and (l),** in order to obtain the refund, the person must file the claim with the department within three (3) years after the later of the following:

(1) The due date of the return.

(2) The date of payment.

For purposes of this section, the due date for a return filed for the state gross retail or use tax, **the gasoline use tax,** the gasoline tax **(including the inventory tax),** the special fuel tax **(including the inventory tax),** the motor carrier fuel tax **(including the inventory tax),** the oil inspection fee, **the cigarette tax, the tobacco products tax, any county innkeeper's taxes imposed under IC 6-9, any food and beverage taxes imposed under IC 6-9, any county or local admissions taxes imposed under IC 6-9,** or the petroleum severance tax is the end of the calendar year which contains the taxable period for which the return is filed. The claim must set forth the amount of the refund to which the person is entitled and the reasons that the person is entitled to the refund.

(b) After considering the claim and all evidence relevant to the claim, the department shall issue a decision on the claim, stating the part, if any, of the refund allowed and containing a statement of the reasons for any part of the refund that is denied. The department shall mail a copy of the decision to the person that filed the claim. If the person disagrees

with a part of the decision on the claim, the person may file a protest and request a hearing with the department. If the department allows the full amount of the refund claim, a warrant for the payment of the claim is sufficient notice of the decision.

(c) The tax court shall hear the appeal de novo and without a jury, and after the hearing may order or deny any part of the appealed refund. The court may assess the court costs in any manner that it feels is equitable. The court may enjoin the collection of any of the listed taxes under IC 33-26-6-2. The court may also allow a refund of taxes, interest, and penalties that have been paid to and collected by the department.

(d) The decision on the claim must state that the person has sixty (60) days from the date the decision is mailed to file a written protest. If the person files a protest and requests a hearing on the protest, the department shall:

(1) set the hearing at the department's earliest convenient time; and

(2) notify the person by United States mail of the time, date, and location of the hearing.

(e) The department may hold the hearing at the location of its choice within Indiana if that location complies with IC 6-8.1-3-8.5.

(f) After conducting a hearing on a protest, or after making a decision on a protest when no hearing is requested, the department shall issue a memorandum of decision or order denying a refund and shall send a copy of the decision through the United States mail to the person that filed the protest. If the department allows the full amount of the refund claim, a warrant for the payment of the claim is sufficient notice of the decision. The department may continue the hearing until a later date if the taxpayer presents additional information at the hearing or the taxpayer requests an opportunity to present additional information after the hearing.

(g) A person that disagrees with any part of the department's ~~decision~~ **determination** in a memorandum of decision or order denying a refund may request a rehearing not more than thirty (30) days after the date on which the memorandum of decision or order denying a refund is issued by the department. The department shall consider the request and may grant the rehearing if the department reasonably believes that a rehearing would be in the best interests of the taxpayer and the state.

If the department grants the rehearing, the department shall issue a supplemental order denying a refund or a supplemental memorandum of decision based on the rehearing, whichever is applicable.

(h) If the person disagrees with any part of the department's ~~decision,~~ **determination,** the person may appeal the ~~decision,~~ **determination,** regardless of whether or not the person protested the tax payment or whether or not the person has accepted a refund. The person must file the appeal with the tax court. The tax court does not have jurisdiction to hear a refund appeal if:

(1) the appeal is filed more than ninety (90) days after the ~~later~~ **latest** of the dates on which:

(A) the memorandum of decision or order denying a refund is issued by the department, if the person does not make a timely request for a rehearing under subsection (g) on the ~~letter of findings;~~ ~~or~~ **memorandum of decision or order denying a refund;**

(B) the department issues a denial of the person's timely request for a rehearing under subsection (g) on the memorandum of decision or order denying a refund; or

(C) the department issues a supplemental memorandum of decision or supplemental order denying a refund following a rehearing granted under subsection (g); or

(2) the appeal is filed both before the decision is issued and before the one hundred eighty-first day after the date the person files the claim for a refund with the department.

The ninety (90) day period may be extended according to the terms of a written agreement signed by both the department and the person. The agreement must specify a date upon which the extension will terminate and include a statement that the person agrees to preserve the person's records until that specified termination date. The specified termination date agreed upon under this subsection may not be more than ninety (90) days after the expiration of the period otherwise specified by this subsection.

(i) With respect to the vehicle excise tax, this section applies only to penalties and interest paid on assessments of the vehicle excise tax. Any other overpayment of the vehicle excise tax is subject to IC 6-6-5.

(j) If a taxpayer's federal taxable income, federal adjusted gross income, or federal income tax liability for a taxable year is modified by the Internal Revenue Service, and the modification would result in a reduction of the tax legally due, the due date by which the taxpayer must file a claim for refund with the department is the ~~later~~ **latest** of:

(1) the date determined under subsection (a); ~~or~~

(2) the date that is one hundred eighty (180) days after the date of the modification by the Internal Revenue Service as provided under:

(A) IC 6-3-4-6(c) and IC 6-3-4-6(d) (for the adjusted gross income tax); or

(B) IC 6-5.5-6-6(c) and IC 6-5.5-6-6(d) (for the financial institutions tax); **or**

(3) in the case of a modification described in IC 6-8.1-5-2(j)(1) through IC 6-8.1-5-2(j)(3), December 31, 2021.

(k) Notwithstanding any other provision of this section, if an individual received a severance payment described in Section 3(a)(1)(A) of the Combat-Injured Veterans Tax Fairness Act of 2016 (P.L. 114-292) and upon which the United States Secretary of Defense withheld tax under IC 6-3, IC 6-3.5-1.1 (before its repeal), IC 6-3.5-6 (before its repeal), IC 6-3.5-7 (before its repeal), or IC 6-3.6, the individual must file a claim for refund for taxes that were overpaid and attributable to the severance payment not later than December 31, 2020. Any refund under this subsection shall be computed without regard to subsection (a)(2). The department may establish procedures to provide standard refund amounts if a standard refund amount is requested from the Internal Revenue Service.

~~(k)~~ **(l)** If an agreement to extend the assessment time period is entered into under IC 6-8.1-5-2(h), the period during which a person may file a claim for a refund under subsection (a) is extended to the same date to which the assessment time period is extended.

SECTION 45. IC 6-8.1-9-2, AS AMENDED BY P.L.242-2015, SECTION 40, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2020]: Sec. 2. (a) If the department finds that a person has paid more tax for a taxable year than is legally due, the department shall apply the amount of the excess against any amount of

that same tax that is assessed and is currently due. The department may then apply any remaining excess against any of the listed taxes that have been assessed against the person and that are currently due. Subject to subsection (c), if any excess remains after the department has applied the overpayment against the person's tax liabilities, the department shall either refund the amount to the person or, at the person's request, credit the amount to the person's future tax liabilities.

(b) Subject to subsection (c), if a court determines that a person has paid more tax for a taxable year than is legally due, the department shall refund the excess amount to the person.

(c) As used in this subsection, "pass through entity" means a corporation that is exempt from the adjusted gross income tax under IC 6-3-2-2.8(2), a partnership, a limited liability company, or a limited liability partnership and "pass through income" means a person's distributive share of adjusted gross income for a taxable year attributable to the person's interest in a pass through entity. This subsection applies to a person's overpayment of adjusted gross income tax for a taxable year if:

(1) the person has filed a timely claim for refund with respect to the overpayment under IC 6-8.1-9-1;

(2) the overpayment:

(A) is with respect to a taxable year beginning before January 1, 2009;

(B) is attributable to amounts paid to the department by:

(i) a nonresident shareholder, partner, or member of a pass through entity;

(ii) a pass through entity under IC 6-3-4-12 or IC 6-3-4-13 on behalf of a nonresident shareholder, partner, or member of the pass through entity; or

(iii) a pass through entity under IC 6-3-4-12 or IC 6-3-4-13 on behalf of a nonresident shareholder, partner, or member of another pass through entity; and

(3) the overpayment arises from a determination by the department or a court that the person's pass through income is not includible in the person's adjusted gross income derived from sources within Indiana as a result of the application of IC 6-3-2-2(a)(5) and IC 6-3-2-2.2(g).

The department shall apply the overpayment to the person's liability for taxes that have been assessed and are currently due as provided in subsection (a) and apply any remaining overpayment as a credit or credits in satisfaction of the person's liability for listed taxes in taxable years beginning after December 31, 2008. If the person, including any successor to the person's interest in the overpayment, does not have sufficient liability for listed taxes against which to credit all the remaining overpayment in a taxable year beginning after December 31, 2008, and ending before January 1, 2019, the taxpayer is not entitled for any taxable year ending after December 31, 2018, to have any part of the remaining overpayment applied, refunded, or credited to the person's liability for listed taxes. If an overpayment or part of an overpayment is required to be applied as a credit under this subsection to the person's liability for listed taxes for a taxable year beginning after December 31, 2008, and has not been determined by the department or a court to meet the conditions of subdivision (3) by the due date of the person's return for a listed tax for a taxable year beginning after December 31, 2008, the department shall refund to the person that part of the overpayment that should have been applied as a credit for such taxable year within ninety (90) days of the date that the department or a court makes the determination that the overpayment meets the conditions of subdivision (3). However, the department may establish a program to refund small overpayment amounts that do not exceed the threshold dollar value established by the department rather than crediting the amounts against tax liability accruing for a taxable year after December 31, 2008. A person that receives a refund or credit under this subsection shall file a report with the department in the form and in the schedule specified by the department that identifies under penalties of perjury the home state or other jurisdiction where the income subject to the refund or credit was reported as income attributable to that state or jurisdiction.

(d) An excess tax payment that is not refunded or credited against a current or future tax liability within ninety (90) days after the date the refund claim is filed, the date the tax payment was due, or the date the tax was paid, whichever is latest, accrues interest from:

(1) the date the refund claim is filed, if the refund claim is filed before July 1, 2015; or

(2) for a refund claim filed after June 30, 2015, the latest of:

(A) the date the tax payment was due;

(B) the date the tax was paid; or

(C) July 1, 2015;

at the rate established under IC 6-8.1-10-1 until a date, determined by the department, that does not precede by more than thirty (30) days, the date on which the refund or credit is made. As used in this subsection, "refund claim" includes a return and an amended return that indicates an overpayment of tax. For purposes of this subsection only, the due date for the payment of the state gross retail or use tax, the oil inspection fee, and the petroleum severance tax is December 31 of the calendar year that contains the taxable period for which the payment is remitted. Notwithstanding any other provision, no interest is due for any time before the filing of a tax return for the period and tax type for which a taxpayer files a refund claim.

(e) A person who is liable for the payment of excise taxes under IC 7.1-4-3 or IC 7.1-4-4 is entitled to claim a credit against the person's excise tax liability in the amount of the excise taxes paid in duplicate by the person, or the person's assignors or predecessors, upon both:

(1) the receipt of the goods subject to the excise taxes, as reported by the person, or the person's assignors or predecessors, on excise tax returns filed with the department; and

(2) the withdrawal of the same goods from a storage facility operated under 19 U.S.C. 1555(a).

(f) The amount of the credit under subsection (e) is equal to fifty percent (50%) of the amount of excise taxes:

(1) that were paid by the person as described in subsection (e)(2);

(2) that are duplicative of excise taxes paid by the person as described in subsection (e)(1); and

(3) for which the person has not previously claimed a credit.

The credit may be claimed by subtracting the amount of the credit from the amount of the person's excise taxes reported on the person's monthly excise tax returns filed under IC 7.1-4-6 with the department for taxes imposed under IC 7.1-4-3 or IC 7.1-4-4. The amount of the credit that may be taken monthly by the person on each monthly excise tax return may not exceed ten percent (10%) of the excise tax liability reported by the person on the monthly excise tax return. The credit may be claimed

on not more than thirty-six (36) consecutive monthly excise tax returns beginning with the month in which credit is first claimed.

(g) The amount of the credit calculated under subsection (f) must be used for capital expenditures to:

(1) expand employment; or

(2) assist in retaining employment within Indiana.

The department shall annually verify whether the capital expenditures made by the person comply with this subsection.

(h) An excess tax payment under section 1(k) of this chapter that is not refunded or credited against a current or future tax liability within ninety (90) days after the date the refund claim is filed, the date the tax payment was due, or the date the tax was paid, whichever is latest, accrues interest from April 1, 2020. For purposes of this subsection, a refund claim filed prior to April 1, 2020, shall be treated as filed on April 1, 2020.

SECTION 46. IC 6-8.1-10-5, AS AMENDED BY P.L.293-2013(ts), SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2021]: Sec. 5. ~~(a) If a person makes a tax payment with a check, credit card, debit card, or electronic funds transfer, and the department is unable to obtain payment on the check, credit card, debit card, or electronic funds transfer for its full face amount when the check, credit card, debit card, or electronic funds transfer is presented for payment through normal banking channels, a penalty of ten percent (10%) of the unpaid tax or the value of the check, credit card, debit card, or electronic funds transfer, whichever is smaller, is imposed.~~

~~(b) When a penalty is imposed under subsection (a), the department shall notify the person by mail that the check, credit card, debit card, or electronic funds transfer was not honored and that the person has ten (10) days after the date the notice is mailed to pay the tax and the penalty either in cash, by certified check, or other guaranteed payment. If the person fails to make the payment within the ten (10) day period, the penalty is increased to thirty percent (30%) multiplied by the value of the check, credit card, debit card, or electronic funds transfer, or the unpaid tax, whichever is smaller.~~

~~(c) If a person has been assessed a penalty under subsection (a) more than one (1) time, the department may require all future payments for all listed taxes to be remitted with guaranteed funds.~~

~~(d) If the person subject to the penalty under this section can show that there is reasonable cause for the check, credit card, debit card, or electronic funds transfer not being honored, the department may waive the penalty imposed under this section.~~

(a) As used in this section, "payment instrument" means:

(1) a check;

(2) a credit card;

(3) a debit card;

(4) an electronic funds transfer; or

(5) any other instrument in payment by any commercially allowable means.

(b) If a person makes a payment to the department for an amount due to the department with a payment instrument and the department is unable to obtain payment on the payment instrument for the full amount of the attempted payment when the payment instrument is presented for payment through the normal banking channels, the department shall:

(1) notify the person that the department was unable to obtain payment on the full amount of the payment instrument; and

(2) assess a penalty of thirty-five dollars ($35) not more than thirty (30) days after the department was unable to obtain payment.

(c) If the department determines that the person made a payment described in subsection (b) fraudulently or otherwise knowing that the department would be unable to obtain payment on the payment instrument for the full amount of the attempted payment when the payment instrument is presented for payment through normal banking channels, the penalty is equal to one hundred percent (100%) of the amount on which the department was unable to obtain payment, but not less than thirty-five dollars ($35). The following apply:

(1) A penalty assessment under this subsection shall be made not more than three (3) years after the department was unable to obtain payment.

(2) The penalty under this subsection shall not be made in addition to the penalty under subsection (b)(2). However, nothing shall prohibit the department from issuing a penalty under this subsection with regard to a payment after a penalty under subsection (b)(2) was issued.

(3) If a penalty under this subsection is reduced to the amount specified in subsection (b)(2), the department may issue a new assessment for the penalty within thirty (30) days after the final determination of the penalty reduction.

(d) If the department is unable to obtain payment on a payment instrument, the amount on which the department was unable to obtain payment shall not be considered to be a payment of that amount.

(e) The following apply:

(1) Any penalty under subsection (b)(2) is due not less than twenty (20) days after the department issues the assessment under subsection (b)(2).

(2) If the person fails to pay the penalty provided under this section in full within the time specified by the department, the department may file a tax warrant for the unpaid portion of the penalty in the manner provided under IC 6-8.1-8-2.

(3) For purposes of this article, a penalty under subsection (b)(2) shall not be considered to be a proposed assessment under IC 6-8.1-5-1.

(f) If a person receives a penalty under subsection (c), the penalty shall be treated as a proposed assessment as provided in IC 6-8.1-5-1. However, if the person pays the penalty under subsection (c) and files a claim for refund of the penalty, notwithstanding IC 6-8.1-9-1, the payment of the penalty shall not be refunded unless the person protested the penalty pursuant to IC 6-8.1-5-1 in a timely manner.

(g) The following apply:

(1) If the penalty under subsection (b)(2) relates to an attempted payment of a liability for which the department has filed a tax warrant under IC 6-8.1-8-2 or for which the department files a tax warrant under IC 6-8.1-8-2 prior to the expiration of the period specified in subsection (e), the tax

warrant may include the amount of the penalty provided in this section prior to the expiration of the period specified in subsection (e).

(2) If a penalty under this section is included as part of a proposed assessment under IC 6-8.1-5-1, the filing of a tax warrant for the penalty under this section shall be timely if the tax warrant for the penalty:

(A) was filed on or before the day as a timely filed tax warrant for the proposed assessment;

(B) was filed as part of the tax warrant for the proposed assessment; or

(C) was otherwise filed within the period allowable under IC 6-8.1-8-2.

(h) The following apply:

(1) The department may waive the penalty under this section if the person establishes that the person acted with reasonable cause in the attempted payment.

(2) If the department determines that the penalty under subsection (b)(2) shall not be waived, including a reduction of a penalty under subsection (c) to the amount specified in subsection (b)(2), the determination is not subject to administrative or judicial review.

(3) If the department determines that the penalty under this section should be waived, but the liability for the penalty has advanced to a tax warrant:

(A) the amount due under the tax warrant shall be reduced by the amount of any penalty under this section included in the tax warrant but not paid; or

(B) if the person has paid the penalty under this section, the department shall refund the penalty under this section paid by the person.

(4) Nothing shall prohibit judicial review of a penalty under this section if the penalty was imposed on a payment instrument upon which the department was able to collect the full amount of the payment instrument upon presentation of the payment through the normal banking channels.

(i) If a person has been subject to a penalty under this section more than one (1) time during a twenty-four (24) month period, or has been subject to a penalty under subsection (c) that has not been reduced or waived, the department may require the person to remit all future payments for all listed taxes with guaranteed funds.

SECTION 47. IC 6-8.1-11-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 3. **(a)** The department shall appoint an employee to serve as a taxpayer rights advocate ~~who~~ **whose office** shall **act as an intermediary between taxpayers and the department to** facilitate the resolution of taxpayer complaints and problems ~~including unsatisfactory treatment of taxpayers by department employees.~~ **not resolved through the normal administrative channels or operational procedures within the department.**

(b) The taxpayer rights advocate office shall perform the following duties:

(1) Receive and evaluate complaints and make appropriate recommendations to the commissioner.

(2) Identify statutes and regulations as well as policies and practices of the department that might inhibit the equitable treatment of taxpayers, and recommend alternatives to the commissioner.

(3) Provide expeditious service to taxpayers whose problems are not resolved through normal channels, including but not limited to:

(A) assisting taxpayers with matters that have been pending for an unreasonable length of time;

(B) assisting with matters where the taxpayer has been unable to communicate with the department; and

(C) working with department personnel to resolve the most complex and sensitive taxpayer problems.

SECTION 48. IC 6-8.1-16.3-5 IS REPEALED [EFFECTIVE JULY 1, 2020]. ~~Sec. 5. (a) As used in this section, "fund" means the department of state revenue pilot program fund established by subsection (b).~~

~~(b) The department of state revenue pilot program fund is established.~~

~~(c) The fund shall be used to assist implementation and administration of the pilot program.~~

~~(d) The fund may consist of one (1) or more of the following:~~

~~(1) Appropriations made by the general assembly.~~

~~(2) Donations made or gifts donated to the fund.~~

~~(3) Any proceeds derived from agreements or contracts made with third parties.~~

~~(e) The fund shall be administered by the department.~~

~~(f) The expenses of administering the pilot program and the fund shall be paid for by the fund.~~

~~(g) Unless otherwise provided by state or federal law, expenses associated with the pilot program shall be paid for by fund proceeds.~~

~~(h) Any money in the fund at the end of a state fiscal year does not revert to the state general fund.~~

~~(i) Money in the fund is continuously appropriated to the department of state revenue to carry out the purposes of the fund.~~

SECTION 49. IC 6-8.1-16.3-5.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JUNE 30, 2020]: **Sec. 5.5. (a) Any balance remaining on June 30, 2020, in the state revenue pilot program fund established by section 5 of this chapter (before its repeal) is transferred to the motor carrier regulation fund established by IC 8-2.1-23-1.**

(b) Notwithstanding any other law, any proceeds derived from agreements or a contract made with third parties under this chapter, and any other revenue received under this chapter, that would have been deposited in the state revenue pilot program fund established by section 5 of this chapter (before its repeal) shall be deposited in the motor carrier regulation fund established by IC 8-2.1-23-1.

SECTION 50. IC 8-2.1-23-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 4. Money in the motor carrier regulation fund does not revert to the state general fund. ~~However, if the amount of money in the fund at the end of a fiscal year exceeds five hundred thousand dollars ($500,000), the treasurer of state shall transfer the excess from the fund to the motor vehicle highway account established in IC 8-14-1.~~

SECTION 51. [EFFECTIVE JANUARY 1, 2021] **(a) IC 6-8.1-10-5, as amended by this act, shall be effective for attempted payments made after December 31, 2020.**

(b) This SECTION expires January 1, 2024.

SECTION 52. [EFFECTIVE APRIL 1, 2020] **(a) IC 6-8.1-9-1(k), as added by this act, shall apply to extend the statute of limitations for refund claims described in IC 6-8.1-9-1(k):**

(1) that have expired before April 1, 2020, under IC 6-8.1-9-1(a); or

(2) that would otherwise expire after March 31, 2020, under IC 6-8.1-9-1(a);

to December 31, 2020.

(b) This SECTION expires July 1, 2021.

SECTION 53. [EFFECTIVE JULY 1, 2009 (RETROACTIVE)] **IC 6-8.1-5-2(g), as amended by this act, is intended to be a clarification of the law and not a substantive change in the law and as such shall be applied for purposes of erroneous refunds issued after June 30, 2009.**

SECTION 54. **An emergency is declared for this act.**

ACTS 2020

Laws enacted by the

121st GENERAL ASSEMBLY

at the

SECOND REGULAR SESSION
(2020)

VOLUME III

(P.L.147-2020 through Index)

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

Office of Code Revision
Legislative Services Agency

P.L.147-2020
[S.409. Approved March 21, 2020.]

AN ACT to amend the Indiana Code concerning labor and safety.

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

SECTION 1. IC 3-6-6-39, AS AMENDED BY P.L.76-2014, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2020]: Sec. 39. (a) The county election board by unanimous vote of the entire membership of the board may permit an individual who is not a voter to serve as any precinct election officer (other than inspector), or to assist a precinct election officer, if the individual satisfies all the following:

(1) The individual is at least sixteen (16) years of age but not eighteen (18) years of age or older.
(2) The individual is a citizen of the United States.
(3) The individual is a resident of the county.
(4) The individual has a cumulative grade point average equivalent to not less than 3.0 on a 4.0 scale.
(5) The individual has the written approval of the principal of the school the individual attends at the time of the appointment or, if the student is educated in the home, the approval of the individual responsible for the education of the student.
(6) The individual has the approval of the individual's parent or legal guardian.
(7) The individual has satisfactorily completed any training required by the county election board.
(8) The individual otherwise is eligible to serve as a precinct election officer under this chapter but is not required to be a registered voter of the county.

(b) An individual appointed to a precinct election office or assistant under this section, while serving as a precinct election officer or assistant:

(1) is not required to obtain an employment certificate under ~~IC 20-33-3;~~ **IC 22-2-18 (before its expiration on June 30, 2021);** and

(2) is not subject to the limitations on time and duration of employment under ~~IC 20-33-3.~~ **IC 22-2-18 (before its expiration on June 30, 2021) or IC 22-2-18.1.**

(c) The county election board is not required to register as an employer under IC 22-2-18.1.

SECTION 2. IC 3-11.5-4-23, AS AMENDED BY P.L.201-2017, SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2020]: Sec. 23. (a) Not later than noon fifty (50) days before election day, each county election board shall notify the county chairmen of the two (2) political parties that have appointed members on the county election board of the number of:

(1) absentee voter boards;

(2) teams of absentee ballot counters; and

(3) teams of couriers;

to be appointed under section 22 of this chapter.

(b) The county chairmen shall make written recommendations for the appointments to the county election board not later than forty-six (46) days before election day. The county election board shall make the appointments as recommended.

(c) If a county chairman fails to make any recommendations, then the county election board may appoint any voters of the county who comply with section 22 of this chapter.

(d) The county election board may permit an individual who is not a voter to serve as an absentee ballot counter or courier if the individual:

(1) satisfies the requirements under IC 3-6-6-39; and

(2) is approved by the unanimous vote of the entire membership of the county election board.

(e) An individual appointed to serve as an absentee ballot counter or courier under subsection (d), while serving as an absentee ballot counter or courier:

(1) is not required to obtain an employment certificate under

~~IC 20-33-3;~~ **IC 22-2-18 (before its expiration on June 30, 2021);** and

(2) is not subject to the limitations on time and duration of employment under ~~IC 20-33-3.~~ **IC 22-2-18 (before its expiration on June 30, 2021) or IC 22-2-18.1.**

(f) The county election board is not required to register as an employer under IC 22-2-18.1.

SECTION 3. IC 9-24-2-1, AS AMENDED BY P.L.125-2012, SECTION 166, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2020]: Sec. 1. (a) The bureau shall suspend the driving privileges or invalidate the learner's permit of an individual less than eighteen (18) years of age who meets any of the following conditions:

(1) Is a habitual truant under IC 20-33-2-11.

(2) Is under at least a second suspension from school for the school year under IC 20-33-8-14 or IC 20-33-8-15.

(3) Is under an expulsion from school under IC 20-33-8-14, IC 20-33-8-15, or IC 20-33-8-16.

(4) Is considered a dropout under IC 20-33-2-28.5.

(b) At least five (5) days before holding an exit interview under IC 20-33-2-28.5, the school corporation shall give notice by certified mail or personal delivery to the student, the student's parent, or the student's guardian that the student's failure to attend an exit interview under IC 20-33-2-28.5 or return to school if the student does not meet the requirements to withdraw from school under IC 20-33-2-28.5 ~~will~~ **may** result in the revocation or denial of the student's:

(1) driver's license or learner's permit; and

(2) employment certificate **issued under IC 22-2-18 (before its expiration on June 30, 2021).**

SECTION 4. IC 20-23-18-3, AS ADDED BY P.L.213-2018(ss), SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2020]: Sec. 3. (a) Except as provided in subsection (c), the Muncie Community school corporation is subject to all applicable federal and state laws.

(b) If a provision of this chapter conflicts with any other law, including IC 20-23-4, the provision in this chapter controls.

(c) Notwithstanding subsection (a), to provide all administrative and

academic flexibility to implement innovative strategies, the Muncie Community school corporation is subject only to the following IC 20 **and IC 22** provisions:

(1) IC 20-26-5-10 (criminal history).

(2) IC 20-28-5-8 (conviction of certain felonies; notice and hearing; permanent revocation of license; data base of school employees who have been reported).

(3) IC 20-28-10-17 (school counselor immunity).

(4) IC 20-29 (collective bargaining) to the extent required by subsection (e).

(5) IC 20-30-3-2 and IC 20-30-3-4 (patriotic commemorative observances).

(6) The following:

(A) IC 20-30-5-0.5 (display of the United States flag; Pledge of Allegiance).

(B) IC 20-30-5-1, IC 20-30-5-2, and IC 20-30-5-3 (the constitutions of Indiana and the United States; writings, documents, and records of American history or heritage).

(C) IC 20-30-5-4 (system of government; American history).

(D) IC 20-30-5-5 (morals instruction).

(E) IC 20-30-5-6 (good citizenship instruction).

(7) IC 20-32-4, concerning graduation requirements.

(8) IC 20-32-5.1, concerning the Indiana's Learning Evaluation Assessment Readiness Network (ILEARN) program.

(9) IC 20-32-8.5 (IRead3).

(10) IC 20-33-2 (compulsory school attendance).

~~(11) IC 20-33-3 (limitations on employment of students).~~

~~(12)~~ **(11)** IC 20-33-8-16 (firearms and deadly weapons).

~~(13)~~ **(12)** IC 20-33-8-19, IC 20-33-8-21, and IC 20-33-8-22 (student due process and judicial review).

~~(14)~~ **(13)** IC 20-33-7 (parental access to education records).

~~(15)~~ **(14)** IC 20-33-9 (reporting of student violations of law).

~~(16)~~ **(15)** IC 20-34-3 (health and safety measures).

~~(17)~~ **(16)** IC 20-35 (concerning special education).

~~(18)~~ **(17)** IC 20-39 (accounting and financial reporting procedures).

~~(19)~~ **(18)** IC 20-40 (government funds and accounts).

~~(20)~~ **(19)** IC 20-41 (extracurricular funds and accounts).

~~(21)~~ **(20)** IC 20-42 (fiduciary funds and accounts).

~~(22)~~ **(21)** IC 20-42.5 (allocation of expenditures to student instruction and learning).

~~(23)~~ **(22)** IC 20-43 (state tuition support).

~~(24)~~ **(23)** IC 20-44 (property tax levies).

~~(25)~~ **(24)** IC 20-46 (levies other than general fund levies).

~~(26)~~ **(25)** IC 20-47 (related entities; holding companies; lease agreements).

~~(27)~~ **(26)** IC 20-48 (borrowing and bonds).

~~(28)~~ **(27)** IC 20-49 (state management of common school funds; state advances and loans).

~~(29)~~ **(28)** IC 20-50 (concerning homeless children and foster care children).

(29) IC 22-2-18, before its expiration on June 30, 2021 (limitation on employment of minors).

(d) The Muncie Community school corporation is subject to required audits by the state board of accounts under IC 5-11-1-9.

(e) Except to the extent required under a collective bargaining agreement entered into before July 1, 2018, the Muncie Community school corporation is not subject to IC 20-29 unless the school corporation voluntarily recognizes an exclusive representative under IC 20-29-5-2. If the school corporation voluntarily recognizes an exclusive representative under IC 20-29-5-2, the school corporation may authorize a school within the corporation to opt out of bargaining allowable subjects or discussing discussion items by specifying the excluded items on the notice required under IC 20-29-5-2(b). The notice must be provided to the education employment relations board at the time the notice is posted.

SECTION 5. IC 20-24-8-5, AS AMENDED BY P.L.242-2017, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2020]: Sec. 5. The following statutes and rules and guidelines adopted under the following statutes apply to a charter school:

(1) IC 5-11-1-9 (required audits by the state board of accounts).

(2) IC 20-39-1-1 (unified accounting system).

(3) IC 20-35 (special education).

(4) IC 20-26-5-10 (criminal history).

(5) IC 20-26-5-6 (subject to laws requiring regulation by state agencies).

(6) IC 20-28-10-12 (nondiscrimination for teacher marital status).

(7) IC 20-28-10-14 (teacher freedom of association).

(8) IC 20-28-10-17 (school counselor immunity).

(9) For conversion charter schools only if the conversion charter school elects to collectively bargain under IC 20-24-6-3(b), IC 20-28-6, IC 20-28-7.5, IC 20-28-8, IC 20-28-9, and IC 20-28-10.

(10) IC 20-33-2 (compulsory school attendance).

~~(11) IC 20-33-3 (limitations on employment of children).~~

~~(12)~~ **(11)** IC 20-33-8-19, IC 20-33-8-21, and IC 20-33-8-22 (student due process and judicial review).

~~(13)~~ **(12)** IC 20-33-8-16 (firearms and deadly weapons).

~~(14)~~ **(13)** IC 20-34-3 (health and safety measures).

~~(15)~~ **(14)** IC 20-33-9 (reporting of student violations of law).

~~(16)~~ **(15)** IC 20-30-3-2 and IC 20-30-3-4 (patriotic commemorative observances).

~~(17)~~ **(16)** IC 20-31-3, IC 20-32-4, IC 20-32-5 (for a school year ending before July 1, 2018), IC 20-32-5.1 (for a school year beginning after June 30, 2018), IC 20-32-8, and IC 20-32-8.5, as provided in IC 20-32-8.5-2(b) (academic standards, accreditation, assessment, and remediation).

~~(18)~~ **(17)** IC 20-33-7 (parental access to education records).

~~(19)~~ **(18)** IC 20-31 (accountability for school performance and improvement).

~~(20)~~ **(19)** IC 20-30-5-19 (personal financial responsibility instruction).

~~(21)~~ **(20)** IC 20-26-5-37.3, before its expiration (career and technical education reporting).

(21) IC 22-2-18, **before its expiration on June 30, 2021 (limitations on employment of minors).**

SECTION 6. IC 20-30-2-2.2, AS AMENDED BY P.L.192-2018, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2020]: Sec. 2.2. (a) As used in this section, "eligible student" means a student in grade 11 or 12 who has:

(1) failed the graduation exam (before July 1, 2022) or is not on track to complete a postsecondary readiness competency;

(2) been determined to be chronically absent, by missing ten percent (10%) or more of a school year for any reason;

(3) been determined to be a habitual truant, as identified under IC 20-33-2-11;

(4) been significantly behind in credits for graduation, as identified by an individual's school principal;

(5) previously undergone at least a second suspension from school for the school year under IC 20-33-8-14 or IC 20-33-8-15;

(6) previously undergone an expulsion from school under IC 20-33-8-14, IC 20-33-8-15, or IC 20-33-8-16; or

(7) been determined by the individual's principal and the individual's parent or guardian to benefit by participating in the school flex program.

(b) An eligible student who participates in a school flex program must:

(1) attend school for at least three (3) hours of instructional time per school day;

(2) pursue a timely graduation;

(3) provide evidence of college or technical career education enrollment and attendance or proof of employment and labor that is aligned with the student's career academic sequence under rules established by the ~~Indiana~~ bureau of ~~child labor;~~ **youth employment;**

(4) not be suspended or expelled while participating in a school flex program;

(5) pursue course and credit requirements for an Indiana diploma with a general designation; and

(6) maintain a ninety-five percent (95%) attendance rate.

(c) A school may allow an eligible student in grade 11 or 12 to complete an instructional day that consists of three (3) hours of instructional time if the student participates in the school flex program.

SECTION 7. IC 20-33-2-28.5, AS AMENDED BY P.L.185-2006, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2020]: Sec. 28.5. (a) This section applies to an individual:

(1) who:

(A) attends or last attended a public school;

(B) is at least sixteen (16) years of age but less than eighteen (18) years of age; and

(C) has not completed the requirements for graduation;

(2) who:

(A) wishes to withdraw from school before graduation;

(B) fails to return at the beginning of a semester; or

(C) stops attending school during a semester; and

(3) who has no record of transfer to another school.

(b) An individual to whom this section applies may withdraw from school only if all of the following conditions are met:

(1) An exit interview is conducted.

(2) The individual's parent consents to the withdrawal.

(3) The school principal approves of the withdrawal.

(4) The withdrawal is due to:

(A) financial hardship and the individual must be employed to support the individual's family or a dependent;

(B) illness; or

(C) an order by a court that has jurisdiction over the child.

During the exit interview, the school principal shall provide to the student and the student's parent a copy of statistics compiled by the department concerning the likely consequences of life without a high school diploma. The school principal shall advise the student and the student's parent that the student's withdrawal from school may prevent the student from receiving or result in the revocation of the student's employment certificate and driver's license or learner's permit.

(c) For purposes of this section, the following must be in written form:

(1) An individual's request to withdraw from school.

(2) A parent's consent to a withdrawal.

(3) A principal's consent to a withdrawal.

(d) If the individual's principal does not consent to the individual's withdrawal under this section, the individual's parent may appeal the denial of consent to the governing body of the public school that the individual last attended.

(e) Each public school, including each school corporation and each

charter school (as defined in IC 20-24-1-4), shall provide an annual report to the department setting forth the following information:

(1) The total number of individuals:

(A) who withdrew from school under this section; and

(B) who either:

(i) failed to return to school at the beginning of a semester; or

(ii) stopped attending school during a semester;

and for whom there is no record of transfer to another school.

(2) The number of individuals who withdrew from school following an exit interview.

(f) If an individual to which this section applies:

(1) has not received consent to withdraw from school under this section; and

(2) fails to return to school at the beginning of a semester or during the semester;

the principal of the school that the individual last attended ~~shall~~ **may** deliver by certified mail or personal delivery to the bureau of ~~child labor~~ **youth employment** a record of the individual's failure to return to school so that the bureau of ~~child labor~~ **youth employment** revokes any employment certificates issued **under IC 22-2-18 (before its expiration on June 30, 2021)** to the individual and does not issue any additional employment certificates to the individual. For purposes of ~~IC 20-33-3-13,~~ **IC 22-2-18-20 (before its expiration on June 30, 2021),** the individual shall be considered a dropout.

(g) At the same time that a school principal delivers the record under subsection (f), the principal ~~shall~~ **may** deliver by certified mail or personal delivery to the bureau of motor vehicles a record of the individual's failure to return to school so that the bureau of motor vehicles revokes any driver's license or learner's permit issued to the individual and does not issue any additional driver's licenses or learner's permits to the individual before the individual is at least eighteen (18) years of age. For purposes of IC 9-24-2-1, the individual shall be considered a dropout.

(h) If:

(1) a principal has delivered the record required under subsection (f) or (g), or both; and

(2) the school subsequently gives consent to the individual to withdraw from school under this section;

the principal of the school shall send a notice of withdrawal to the bureau of ~~child labor~~ **youth employment** and the bureau of motor vehicles by certified mail or personal delivery and, for purposes of ~~IC 20-33-3-13~~ **IC 22-2-18-20 (before its expiration on June 30, 2021)** and IC 9-24-2-1, the individual shall no longer be considered a dropout.

SECTION 8. IC 20-33-2-28.6, AS ADDED BY P.L.268-2013, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2020]: Sec. 28.6. (a) This section applies to a high school student who is transferring to a nonaccredited nonpublic school.

(b) Before a student withdraws from a public school, the principal of the student's school shall provide to the student and to the student's parent information on a form developed by the department and approved by the state board that explains the legal requirements of attending a nonaccredited nonpublic school located in Indiana. The principal and a parent of the student shall both sign the form to acknowledge that the parent understands the content of the form.

(c) If the parent of the student refuses to sign the form provided by the principal under subsection (b), the student is considered a dropout and the principal ~~shall~~ **may** report the student to the bureau of motor vehicles for action under section 28.5(g) of this chapter. The student is considered a dropout for purposes of calculating a high school's graduation rate under IC 20-26-13-10.

SECTION 9. IC 20-33-3 IS REPEALED [EFFECTIVE APRIL 1, 2020]. (Limitations on the Employment of Students).

SECTION 10. IC 20-37-2-8, AS AMENDED BY P.L.234-2007, SECTION 129, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2020]: Sec. 8. (a) A student in career and technical education and employed under section 7 of this chapter:

(1) is entitled to the rights of recovery of a worker of at least seventeen (17) years of age under the worker's compensation and occupational diseases laws (IC 22-3-2 through IC 22-3-7); and

(2) may not recover any additional benefit otherwise payable as a result of being less than seventeen (17) years of age under the

definition of a minor in IC 22-3-6-1.

The student is considered the employee of the employer while performing services for the employer under section 7 of this chapter.

(b) A student performing services for an employer under section 7 of this chapter is considered a full-time employee in computing compensation for permanent impairment under the worker's compensation law (IC 22-3-2 through IC 22-3-6).

(c) Employers and students under section 7 of this chapter are exempt from ~~IC 20-33-3-35.~~ **IC 22-2-18-40 (before its expiration on June 30, 2021) and IC 22-2-18.1-23.**

SECTION 11. IC 22-1-1-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2020]: Sec. 4. The following bureaus are created within the department of labor:

(1) The bureau of mines and mine safety.

(2) The bureau of ~~child labor.~~ **youth employment.**

SECTION 12. IC 22-1-1-5, AS AMENDED BY P.L.35-2007, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2020]: Sec. 5. (a) The bureau of mines and mining safety shall do the following:

(1) have immediate charge of the administration of the underground mine laws of this state;

(2) provide safety consultation services to any underground mine operator at the request of the operator;

(3) provide mine safety and health education information to all underground mine operators; and

(4) investigate all fatalities occurring in underground mine operations for the purpose of data collection; however, an investigation shall not interfere with investigations by the federal Mine Safety and Health Administration.

(b) The bureau of ~~child labor~~ **youth employment** shall have immediate charge of the supervision of children who are gainfully employed, including employment certificate violations under ~~IC 20-33-3-38.5, IC 20-33-3-39, and IC 20-33-3-40.~~ **IC 22-2-18-43 (before its expiration on June 30, 2021), IC 22-2-18-44 (before its expiration on June 30, 2021), and IC 22-2-18-45 (before its expiration on June 30, 2021) or violations under IC 22-2-18.1-30.** A child employee under the jurisdiction of the bureau of ~~child labor~~

youth employment may file a complaint with the bureau of ~~child labor~~ **youth employment** if the employer of the child employee requires noncompliance by the child employee with the provisions of ~~IC 20-33-3-38.5.~~ **IC 22-2-18-43 (before its expiration).**

SECTION 13. IC 22-1-1-23 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 23. (a) Before August 1, 2020, the department shall prepare a report outlining a plan to develop and maintain, before July 1, 2021, a data base that is accessible by the public that displays an employer that has registered as an employer who employs minors to the interim study committee on employment and labor (established by IC 2-5-1.3-4). The report must be in an electronic format under IC 5-14-6.**

(b) Before July 1, 2021, the department shall develop a data base that is accessible by the public that displays an employer that has registered as an employer who employs minors.

(c) This section expires July 1, 2022.

SECTION 14. IC 22-2-2-4, AS AMENDED BY P.L.38-2019, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2020]: Sec. 4. (a) No employer having employees subject to any provisions of this section shall discriminate, within any establishment in which employees are employed, between employees on the basis of sex by paying to employees in such establishment a rate less than the rate at which the employer pays wages to employees of the opposite sex in such establishment for equal work on jobs the performance of which requires equal skill, effort, and responsibility, and which are performed under similar working conditions, except where such payment is made pursuant to:

(1) a seniority system;

(2) a merit system;

(3) a system which measures earnings by quantity or quality of production; or

(4) a differential based on any other factor other than sex.

(b) An employer who is paying a wage rate differential in violation of subsection (a) shall not, in order to comply with subsection (a), reduce the wage rate of any employee, and no labor organization, or its agents, representing employees of an employer having employees

subject to subsection (a) shall cause or attempt to cause such an employer to discriminate against an employee in violation of subsection (a).

(c) Except as provided in ~~subsections~~ **subsection** (d), ~~and (f),~~ every employer employing at least two (2) employees during a work week shall, in any work week in which the employer is subject to this chapter, pay each of the employees in any work week beginning on or after June 30, 2007, wages of not less than the minimum wage payable under the federal Fair Labor Standards Act of 1938, as amended (29 U.S.C. 201 et seq.).

(d) An employer subject to subsection (c) is permitted to apply a tip credit in determining the amount of cash wage paid to tipped employees. In determining the wage an employer is required to pay a tipped employee, the amount paid the employee by the employee's employer must be an amount equal to:

(1) the cash wage paid the employee, which for purposes of the determination may be not less than the cash wage required to be paid to employees covered under the federal Fair Labor Standards Act of 1938, as amended (29 U.S.C. 203(m)(1)) on August 20, 1996, which amount is two dollars and thirteen cents ($2.13) an hour; and

(2) an additional amount on account of the tips received by the employee, which amount is equal to the difference between the wage specified in subdivision (1) and the wage in effect under subsection (c).

An employer is responsible for supporting the amount of tip credit taken through reported tips by the employees.

(e) This section does not apply if an employee:

(1) provides companionship services to the aged and infirm (as defined in 29 CFR 552.6); and

(2) is employed by an employer or agency other than the family or household using the companionship services, as provided in 29 CFR 552.109 (a).

~~(f) This subsection applies only to an employee who has not attained the age of twenty (20) years. Instead of the rates prescribed by subsections (c) and (d), an employer may pay an employee of the employer, during the first ninety (90) consecutive calendar days after~~

~~the employee is initially employed by the employer, a wage which is not less than the amount payable under the federal Fair Labor Standards Act of 1938, as amended (29 U.S.C. 201 et seq.), during the first ninety (90) consecutive calendar days after initial employment to an employee who has not attained twenty (20) years of age. However, no employer may take any action to displace employees (including partial displacements such as reduction in hours, wages, or employment benefits) for purposes of hiring individuals at the wage authorized in this subsection.~~

~~(g)~~ **(f)** Except as otherwise provided in this section, no employer shall employ any employee for a work week longer than forty (40) hours unless the employee receives compensation for employment in excess of forty (40) hours at a rate not less than one and one-half (1.5) times the regular rate at which the employee is employed.

~~(h)~~ **(g)** For purposes of this section the following apply:

(1) "Overtime compensation" means the compensation required by subsection ~~(g).~~ **(f).**

(2) "Compensatory time" and "compensatory time off" mean hours during which an employee is not working, which are not counted as hours worked during the applicable work week or other work period for purposes of overtime compensation, and for which the employee is compensated at the employee's regular rate.

(3) "Regular rate" means the rate at which an employee is employed is considered to include all remuneration for employment paid to, or on behalf of, the employee, but is not considered to include the following:

(A) Sums paid as gifts, payments in the nature of gifts made at Christmas time or on other special occasions, as a reward for service, the amounts of which are not measured by or dependent on hours worked, production, or efficiency.

(B) Payments made for occasional periods when no work is performed due to vacation, holiday, illness, failure of the employer to provide sufficient work, or other similar cause, reasonable payments for traveling expenses, or other expenses, incurred by an employee in the furtherance of the employer's interests and properly reimbursable by the employer, and other similar payments to an employee which are not made as

compensation for the employee's hours of employment.

(C) Sums paid in recognition of services performed during a given period if:

(i) both the fact that payment is to be made and the amount of the payment are determined at the sole discretion of the employer at or near the end of the period and not pursuant to any prior contract, agreement, or promise causing the employee to expect the payments regularly;

(ii) the payments are made pursuant to a bona fide profit sharing plan or trust or bona fide thrift or savings plan, meeting the requirements of the administrator set forth in appropriately issued regulations, having due regard among other relevant factors, to the extent to which the amounts paid to the employee are determined without regard to hours of work, production, or efficiency; or

(iii) the payments are talent fees paid to performers, including announcers, on radio and television programs.

(D) Contributions irrevocably made by an employer to a trustee or third person pursuant to a bona fide plan for providing old age, retirement, life, accident, or health insurance or similar benefits for employees.

(E) Extra compensation provided by a premium rate paid for certain hours worked by the employee in any day or work week because those hours are hours worked in excess of eight (8) in a day or in excess of the maximum work week applicable to the employee under subsection ~~(g)~~ **(f)** or in excess of the employee's normal working hours or regular working hours, as the case may be.

(F) Extra compensation provided by a premium rate paid for work by the employee on Saturdays, Sundays, holidays, or regular days of rest, or on the sixth or seventh day of the work week, where the premium rate is not less than one and one-half (1.5) times the rate established in good faith for like work performed in nonovertime hours on other days.

(G) Extra compensation provided by a premium rate paid to the employee, in pursuance of an applicable employment contract or collective bargaining agreement, for work outside

of the hours established in good faith by the contract or agreement as the basic, normal, or regular workday (not exceeding eight (8) hours) or work week (not exceeding the maximum work week applicable to the employee under subsection ~~(g)~~ **(f)**) where the premium rate is not less than one and one-half (1.5) times the rate established in good faith by the contract or agreement for like work performed during the workday or work week.

~~(i)~~ **(h)** No employer shall be considered to have violated subsection ~~(g)~~ **(f)** by employing any employee for a work week in excess of that specified in subsection ~~(g)~~ **(f)** without paying the compensation for overtime employment prescribed therein if the employee is so employed:

(1) in pursuance of an agreement, made as a result of collective bargaining by representatives of employees certified as bona fide by the National Labor Relations Board, which provides that no employee shall be employed more than one thousand forty (1,040) hours during any period of twenty-six (26) consecutive weeks; or

(2) in pursuance of an agreement, made as a result of collective bargaining by representatives of employees certified as bona fide by the National Labor Relations Board, which provides that during a specified period of fifty-two (52) consecutive weeks the employee shall be employed not more than two thousand two hundred forty (2,240) hours and shall be guaranteed not less than one thousand eight hundred forty (1,840) hours (or not less than forty-six (46) weeks at the normal number of hours worked per week, but not less than thirty (30) hours per week) and not more than two thousand eighty (2,080) hours of employment for which the employee shall receive compensation for all hours guaranteed or worked at rates not less than those applicable under the agreement to the work performed and for all hours in excess of the guaranty which are also in excess of the maximum work week applicable to the employee under subsection ~~(g)~~ **(f)** or two thousand eighty (2,080) in that period at rates not less than one and one-half (1.5) times the regular rate at which the employee is employed.

~~(j)~~ **(i)** No employer shall be considered to have violated subsection

~~(g)~~ **(f)** by employing any employee for a work week in excess of the maximum work week applicable to the employee under subsection ~~(g)~~ **(f)** if the employee is employed pursuant to a bona fide individual contract, or pursuant to an agreement made as a result of collective bargaining by representatives of employees, if the duties of the employee necessitate irregular hours of work, and the contract or agreement includes the following:

(1) Specifies a regular rate of pay of not less than the minimum hourly rate provided in subsections (c) **and** (d) ~~and (f),~~ (whichever is applicable) and compensation at not less than one and one-half (1.5) times that rate for all hours worked in excess of the maximum work week.

(2) Provides a weekly guaranty of pay for not more than sixty (60) hours based on the rates so specified.

~~(k)~~ **(j)** No employer shall be considered to have violated subsection ~~(g)~~ **(f)** by employing any employee for a work week in excess of the maximum work week applicable to the employee under that subsection if, pursuant to an agreement or understanding arrived at between the employer and the employee before performance of the work, the amount paid to the employee for the number of hours worked by the employee in the work week in excess of the maximum work week applicable to the employee under that subsection:

(1) in the case of an employee employed at piece rates, is computed at piece rates not less than one and one-half (1.5) times the bona fide piece rates applicable to the same work when performed during nonovertime hours;

(2) in the case of an employee performing two (2) or more kinds of work for which different hourly or piece rates have been established, is computed at rates not less than one and one-half (1.5) times those bona fide rates applicable to the same work when performed during nonovertime hours; or

(3) is computed at a rate not less than one and one-half (1.5) times the rate established by the agreement or understanding as the basic rate to be used in computing overtime compensation thereunder, provided that the rate so established shall be substantially equivalent to the average hourly earnings of the employee, exclusive of overtime premiums, in the particular work over a

representative period of time;

and if the employee's average hourly earnings for the work week exclusive of payments described in this section are not less than the minimum hourly rate required by applicable law, and extra overtime compensation is properly computed and paid on other forms of additional pay required to be included in computing the regular rate.

~~(l)~~ **(k)** Extra compensation paid as described in this section shall be creditable toward overtime compensation payable pursuant to this section.

~~(m)~~ **(l)** No employer shall be considered to have violated subsection ~~(g)~~ **(f)** by employing any employee of a retail or service establishment for a work week in excess of the applicable work week specified therein, if:

(1) the regular rate of pay of the employee is in excess of one and one-half (1.5) times the minimum hourly rate applicable to the employee under section 2 of this chapter; and

(2) more than half of the employee's compensation for a representative period (not less than one (1) month) represents commissions on goods or services.

In determining the proportion of compensation representing commissions, all earnings resulting from the application of a bona fide commission rate shall be considered commissions on goods or services without regard to whether the computed commissions exceed the draw or guarantee.

~~(n)~~ **(m)** No employer engaged in the operation of a hospital or an establishment which is an institution primarily engaged in the care of the sick, the aged, or individuals with a mental illness or defect who reside on the premises shall be considered to have violated subsection ~~(g)~~ **(f)** if, pursuant to an agreement or understanding arrived at between the employer and the employee before performance of the work, a work period of fourteen (14) consecutive days is accepted in lieu of the work week of seven (7) consecutive days for purposes of overtime computation and if, for the employee's employment in excess of eight (8) hours in any workday and in excess of eighty (80) hours in that fourteen (14) day period, the employee receives compensation at a rate not less than one and one-half (1.5) times the regular rate at which the employee is employed.

~~(o)~~ **(n)** No employer shall employ any employee in domestic service in one (1) or more households for a work week longer than forty (40) hours unless the employee receives compensation for that employment in accordance with subsection ~~(g).~~ **(f).**

~~(p)~~ **(o)** In the case of an employee of an employer engaged in the business of operating a street, a suburban or interurban electric railway, or a local trolley or motorbus carrier (regardless of whether or not the railway or carrier is public or private or operated for profit or not for profit), in determining the hours of employment of such an employee to which the rate prescribed by subsection ~~(g)~~ **(f)** applies, there shall be excluded the hours the employee was employed in charter activities by the employer if both of the following apply:

(1) The employee's employment in the charter activities was pursuant to an agreement or understanding with the employer arrived at before engaging in that employment.

(2) If employment in the charter activities is not part of the employee's regular employment.

~~(q)~~ **(p)** Any employer may employ any employee for a period or periods of not more than ten (10) hours in the aggregate in any work week in excess of the maximum work week specified in subsection ~~(g)~~ **(f)** without paying the compensation for overtime employment prescribed in subsection ~~(g),~~ **(f),** if during that period or periods the employee is receiving remedial education that:

(1) is provided to employees who lack a high school diploma or educational attainment at the eighth grade level;

(2) is designed to provide reading and other basic skills at an eighth grade level or below; and

(3) does not include job specific training.

~~(r)~~ **(q)** Subsection ~~(g)~~ **(f)** does not apply to an employee of a motion picture theater.

~~(s)~~ **(r)** Subsection ~~(g)~~ **(f)** does not apply to an employee of a seasonal amusement or recreational establishment, an organized camp, or a religious or nonprofit educational conference center that is exempt under the federal Fair Labor Standards Act of 1938, as amended (29 U.S.C. 213).

~~(t)~~ **(s)** Subsection ~~(g)~~ **(f)** does not apply to an employee of an air carrier subject to Title II of the federal Railway Labor Act (45 U.S.C.

181 et seq.) to the extent that the hours worked by the employee during a work week in excess of forty (40) hours are not required by the air carrier but are arranged through a voluntary agreement between employees to trade or reassign their scheduled work hours.

SECTION 15. IC 22-2-18 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2020]:

Chapter 18. Limitations on the Employment of Minors

Sec. 1. (a) This chapter does not apply to:

(1) a parent who employs the parent's own child;

(2) a person standing in place of a parent who employs a child in the person's custody; or

(3) a legal entity whose ownership is limited to the parents of the employed child or persons standing in place of the parent of the employed child;

except in the instances of underage employment (as set forth in section 35(a) of this chapter), employment during school hours (as set forth in section 35(b) of this chapter), and employment in hazardous occupations designated by federal law (as set forth in section 40 of this chapter).

(b) This chapter does not apply to a minor enrolled in a work based learning course (as defined in IC 20-43-8-0.7).

Sec. 2. As used in this chapter, "department" refers to the department of labor created by IC 22-1-1-1.

Sec. 3. As used in this chapter, "high school" has the meaning set forth in IC 20-18-2-7.

Sec. 4. As used in this chapter, "nonpublic school" has the meaning set forth in IC 20-18-2-12.

Sec. 5. As used in this chapter, "nonschool week" refers to a week that contains two (2) or fewer school days.

Sec. 6. As used in this chapter, "parent" has the meaning set forth in IC 20-18-2-13.

Sec. 7. As used in this chapter, "principal" has the meaning set forth in IC 20-18-2-14.

Sec. 8. As used in this chapter, "public school" has the meaning set forth in IC 20-18-2-15.

Sec. 9. As used in this chapter, "school corporation" has the

meaning set forth in IC 20-18-2-16.

Sec. 10. As used in this chapter, "school day" refers to a day that contains more than four (4) hours of classroom instruction.

Sec. 10.5. As used in this chapter, "school hours" refers to the hours that the school corporation, within the boundaries of which the minor resides while employed, is in session during the regularly scheduled school year.

Sec. 11. As used in this chapter, "school week" refers to a week that contains at least three (3) school days.

Sec. 12. As used in this chapter, "school year" has the meaning set forth in IC 20-18-2-17.

Sec. 13. It is unlawful for a person, firm, limited liability company, or corporation to hire, employ, or permit a minor who is:

(1) at least fourteen (14) years of age; and

(2) less than eighteen (18) years of age;

to work in a gainful occupation until the person, firm, limited liability company, or corporation has secured and placed on file in its office an employment certificate issued by the proper issuing officer under this chapter.

Sec. 14. (a) An employment certificate is not required for a minor who is at least fourteen (14) years of age but less than eighteen (18) years of age to:

(1) perform:

(A) farm labor; or

(B) domestic service; or

(2) act as a:

(A) caddie for a person playing the game of golf; or

(B) newspaper carrier.

(b) An employment certificate is not required for a minor who is:

(1) at least twelve (12) years of age but less than eighteen (18) years of age; and

(2) employed or works as a youth athletic program referee, umpire, or official under section 36 of this chapter.

(c) An exemption under subsection (a) or (b) applies only when a minor is engaged in an occupation listed in this section during the

hours when the minor is not required to be in school.

(d) An employment certificate is not required for a minor less than eighteen (18) years of age who:

(1) works as an actor or performer if the provisions of section 37 of this chapter are met; or

(2) has graduated from high school.

(e) An employment certificate is not required for a minor less than eighteen (18) years of age, who would otherwise be required to obtain an employment certificate under this chapter if the minor is:

(1) not a resident of Indiana;

(2) a resident of Indiana but attends a nonpublic school that employs less than one (1) employee; or

(3) a resident of Indiana but is enrolled in a career and technical education program as approved by the Indiana state board of education under IC 20-32-4-1.5(g).

Sec. 15. (a) This chapter applies to a minor less than eighteen (18) years of age who is employed or is seeking employment in Indiana.

(b) A minor less than eighteen (18) years of age who requires an employment certificate shall obtain the employment certificate from the issuing officer of the:

(1) accredited school (as described in IC 20-19-2-8(a)(4)) that the minor attends; or

(2) school corporation in which the minor resides.

(c) The judge of a court with juvenile jurisdiction may suspend the application of this chapter in cases involving juvenile delinquents or incorrigibles whenever, in the opinion of the judge, the welfare of a minor warrants this action.

Sec. 16. (a) The issuing officer in each accredited school (as described in IC 20-19-2-8(a)(4)) shall be an individual who is:

(1) a guidance counselor;

(2) a school social worker; or

(3) an attendance officer for the school corporation and a teacher licensed by the division of professional standards of the department of education under IC 20-28-4 or IC 20-28-5;

and designated in writing by the principal.

(b) During the times in which the individual described in subsection (a) is not employed by the school or when school is not in session, there shall be an issuing officer available:

(1) who is a teacher licensed by the division of professional standards of the department of education under IC 20-28-4 or IC 20-28-5; and

(2) whose identity and hours of work shall be determined by the principal.

Sec. 17. (a) Except as provided in subsection (b), an issuing officer may issue an employment certificate only to a minor whose employment is necessary and only after receipt of the following two (2) documents:

(1) Proof of age as set forth under section 18 of this chapter.

(2) Proof of prospective employment as set forth under section 19 of this chapter.

(b) This subsection applies to a student who attends a nonaccredited nonpublic school. An issuing officer shall issue an employment certificate only after receipt of the following two (2) documents:

(1) Proof of age as set forth under section 18 of this chapter.

(2) Proof of prospective employment as set forth under section 19 of this chapter.

Sec. 18. (a) As proof of age, the issuing officer shall require one (1) of the following documents:

(1) A birth certificate or duly attested transcript of a birth certificate issued by the registrar of vital statistics or any other officer charged with the duty of recording births. The registrar may not charge a fee for a certificate or transcript as provided by IC 16-37-1-9(c)(2). School records of age that have been verified by a birth certificate may be substituted by the issuing officer for a birth certificate.

(2) A baptismal certificate or a certified transcript of the record of baptism showing the minor's date of birth and place of baptism.

(3) Other documentation, including:

(A) a bona fide contemporary record of the minor's birth, comprising a part of the family record of births in the

Bible;

(B) other documentary evidence satisfactory to the department, including a certificate of arrival in the United States issued by United States immigration officers and showing the minor's age; or

(C) a life insurance policy.

Documentary evidence under this subdivision must have been in existence for at least one (1) year.

(4) A sworn statement by a public health physician, a public school physician, or the superintendent that states, in the opinion of the signatory, the minor's physical age. This statement shall show the minor's height and weight and other facts upon which the signatory's opinion is based. The physician's or superintendent's statement shall be accompanied by a statement of the minor's age signed by the minor's parent and by available school records.

(b) The documents that may constitute proof of age under this section are listed in preferential order. The issuing officer shall require the document of age under subsection (a)(1) in preference to a document under subsection (a)(2), (a)(3), or (a)(4). To avoid delay, the documents under subsection (a)(2), (a)(3), or (a)(4) may be accepted if the issuing officer files a written statement that verification of date of birth has been requested from the appropriate governmental agency but has not been received.

Sec. 19. (a) As proof of prospective employment, the issuing officer shall require a written statement that:

(1) is signed by the person for whom the minor is to work;

(2) sets forth the nature of work that the minor is to perform; and

(3) specifies the maximum number of hours per week that the minor will work for the employer.

(b) When a minor's employment terminates, the employer may notify the issuing officer in writing of the:

(1) termination; and

(2) date on which it occurred.

This notice shall be on a blank form attached to the minor's employment certificate.

(c) An employment certificate may be used at not more than two (2) locations within the same enterprise if the enterprise complies with the hour restrictions prescribed in sections 30 through 33 of this chapter.

Sec. 20. (a) Upon presentation to the issuing officer of the documents required by section 17 of this chapter, an employment certificate shall be issued immediately to the minor. The employment certificate shall state the maximum number of hours that the minor may be employed by the employer. However, an issuing officer may deny an employment certificate to a minor:

(1) whose attendance is not in good standing; or

(2) whose academic performance does not meet the school corporation's standard.

(b) Not more than five (5) days after issuing an employment certificate, the issuing officer shall send a copy of the employment certificate to the department. The issuing officer shall keep a record in the issuing officer's office of each employment certificate issued. The issuing officer shall keep for each student who has been issued more than one (1) employment certificate a record of the maximum number of hours that the student may work each week for all employers.

(c) A student may appeal the denial of an employment certificate under subsection (a) to the principal.

Sec. 21. (a) A minor may hold more than one (1) employment certificate at a time. However, a minor who holds more than one (1) employment certificate at a time is subject to the penalties set forth in section 43 of this chapter for any of the following:

(1) Hour violations under sections 30 through 33 of this chapter.

(2) A violation of section 31(4) of this chapter.

(b) An employer of a minor who holds more than one (1) employment certificate under subsection (a) is subject to the penalties set forth in sections 44 and 45 of this chapter for:

(1) hour violations under sections 30 through 33 of this chapter; or

(2) a violation of section 31(4) of this chapter;

for the employment of the minor with the employer only.

(c) Subject to section 19(c) of this chapter, an employer is only subject to penalties under subsection (b) for violations occurring at the employer's enterprise.

Sec. 22. (a) The department may revoke an employment certificate at any time, if, in the judgment of the department, the certificate was improperly issued or if the department has knowledge that the minor is or was illegally employed.

(b) To determine when a minor is illegally employed, the department and agents of the department may:

(1) investigate the age of a minor who is employed;

(2) subpoena witnesses;

(3) hear evidence; and

(4) require the production of relevant books or documents.

(c) If the department revokes an employment certificate under this section, the issuing officer and the minor's employer shall be notified in writing. This notice may be delivered in person or by registered mail. Immediately after receiving notice of revocation, the employer shall return the employment certificate to the issuing officer.

(d) A minor whose employment certificate has been revoked may not be employed or allowed to work until the minor legally has obtained a new employment certificate.

Sec. 23. (a) Each employment certificate issued for a minor must state the:

(1) full name and the date and place of birth of the minor;

(2) name and address of the minor's parents;

(3) name and address of the employer; and

(4) nature of the work that the minor is to perform.

(b) The employment certificate must certify that the minor has:

(1) appeared before the issuing officer; and

(2) submitted the proof of age and prospective employment as required under this chapter.

(c) The issuing officer may require the presence of the minor's parents before issuing the employment certificate.

Sec. 24. All forms necessary to carry out this chapter shall be prepared by the department and supplied to issuing officers by means of electronic or printed publication.

Sec. 25. (a) An officer charged with enforcement of this chapter may investigate the age of a minor:

(1) who is employed or allowed to work in an occupation; and

(2) for whom an employment certificate is not on file.

(b) If the officer finds that the age of the minor is below the age authorized for an employee without an employment certificate, the:

(1) employment; or

(2) fact that the minor is allowed to work;

is prima facie evidence of unlawful employment.

Sec. 26. (a) Except as provided in subsection (c), whenever the department requires, a minor who is:

(1) at least fourteen (14) years of age and less than eighteen (18) years of age; and

(2) at work in an occupation for which an employment certificate is required under sections 13 and 14 of this chapter;

shall submit to a physical examination. The physical examination shall be conducted by a medical inspector of the department or by a physician designated by the department. A female employee is entitled to have the physical examination made by a female. An employer shall not require or attempt to require a female employee to submit to a physical examination by a male.

(b) The result of a physical examination conducted under this section shall be recorded on a printed form furnished by and kept on file at the department.

(c) The department may not require a minor to undergo a physical examination under this chapter when the minor's parent objects on religious grounds. A religious objection:

(1) consists of a good faith reliance on spiritual means or prayer for healing; and

(2) is not effective unless the objection is:

(A) made in writing;

(B) signed by the minor's parent; and

(C) delivered to the department.

Sec. 27. (a) If:

(1) a minor fails to submit to a physical examination as required under section 26 of this chapter; or

(2) on examination, the medical inspector finds the minor to be physically unfit to be employed in the work in which the minor is engaged and files a report to that effect;

the department shall revoke the minor's employment certificate. A report of physical incapacity shall be kept at the office of the department.

(b) Written notice of a revocation under this section shall be served on the issuing officer and the minor's employer in person or by registered mail. Immediately after receiving notice of a revocation, the employer shall deliver the revoked employment certificate to the department. A minor whose employment certificate has been revoked under this section may obtain a new certificate if the minor is found, after physical examination, to be physically fit for the new occupation in which the minor proposes to engage.

Sec. 28. (a) An employment certificate may be revoked by the issuing officer if the issuing officer determines that there has been a significant decrease in any of the following since the issuance of the permit:

(1) The student's grade point average.

(2) The student's attendance at school.

(b) A student whose employment certificate is revoked under subsection (a) is entitled to a periodic review of the student's grade record or attendance record, or both, to determine whether the revocation should continue. A periodic review may not be conducted less than one (1) time each school year.

(c) If upon review the issuing officer determines that the student's grade point average or attendance, or both, have improved substantially, the issuing officer may reissue an employment certificate to the student.

(d) A student may appeal the revocation of an employment certificate under subsection (a) or the refusal to reissue an employment certificate under subsection (c) to the school principal.

(e) An issuing officer who revokes an employment certificate shall immediately send written notice of the revocation to the student's employer.

Sec. 29. Sections 30 through 34 of this chapter apply only to the

following:

(1) Employment for which a minor who is at least fourteen (14) years of age and less than eighteen (18) years of age must obtain an employment certificate under this chapter.

(2) Employment for which a minor who is at least fourteen (14) years of age and less than eighteen (18) years of age is not required to obtain an employment certificate under this chapter because of the application of section 14(e) of this chapter.

Sec. 30. The following apply only to a minor who is at least fourteen (14) years of age and less than sixteen (16) years of age:

(1) The minor may not work before 7 a.m. or after 7 p.m. However, except on a day that precedes a school day when the minor may only work until 7 p.m, the minor may work until 9 p.m. from June 1 through Labor Day.

(2) The minor may not work:

(A) more than three (3) hours on a school day;

(B) more than eighteen (18) hours in a school week;

(C) more than eight (8) hours on a nonschool day; or

(D) more than forty (40) hours in a nonschool week.

Sec. 31. A minor who is at least sixteen (16) years of age and less than eighteen (18) years of age may not:

(1) work for more than nine (9) hours in any one (1) day;

(2) work for more than forty (40) hours in a school week;

(3) work for more than forty-eight (48) hours in a nonschool week;

(4) work for more than six (6) days in any one (1) week; or

(5) begin a work day before 6 a.m.

Sec. 32. A minor who is at least sixteen (16) years of age and less than eighteen (18) years of age may work until 10 p.m. on nights that are followed by a school day in any occupation except those that the commissioner of labor determines to be:

(1) dangerous to life or limb; or

(2) injurious to health or morals.

Sec. 33. A minor who is at least sixteen (16) years of age and less than eighteen (18) years of age may work until 11 p.m. on a night followed by a school day if the employer has obtained written

permission from the minor's parent and placed the written permission on file in the employer's office.

Sec. 34. A minor who is at least sixteen (16) years of age and less than eighteen (18) years of age may be employed at the same daily and weekly hours and at the same times of day as adults if the minor is a member of any of the following categories:

(1) The minor is a high school graduate.

(2) The minor has completed an approved career and technical education program or special education program.

(3) The minor is not enrolled in a regular school term.

Sec. 35. (a) This subsection does not apply to a minor who is employed or works as a youth athletic program referee, umpire, or official under section 36 of this chapter. A minor less than:

(1) fourteen (14) years of age may not be employed or allowed to work in any gainful occupation except as a farm laborer, domestic service worker, caddie for persons playing the game of golf, or newspaper carrier; and

(2) twelve (12) years of age may not be permitted to work at farm labor except on a farm operated by the minor's parent.

(b) Except as provided in section 37 of this chapter, a person, firm, limited liability company, or corporation may not employ or permit any minor less than sixteen (16) years of age to work in any occupation during school hours on a school day.

Sec. 36. (a) If the conditions of subsections (b) and (c) are satisfied, a minor who is less than eighteen (18) years of age is exempt from the requirements of this chapter whenever the minor is employed or works as a youth athletic program referee, umpire, or official.

(b) A minor must satisfy all of the following:

(1) The minor is at least twelve (12) years of age.

(2) The minor is certified as a referee, umpire, or official by a national certification program.

(3) The minor is a referee, umpire, or official for an age bracket younger than the minor's own age.

(c) In addition to the requirements of subsection (b), one (1) of the following must be satisfied:

(1) The minor:

(A) works with a person who is:

(i) at least eighteen (18) years of age; and

(ii) also working as a referee, umpire, or official at the same athletic event at which the minor is working as a referee, umpire, or official; and

(B) has on file with the person responsible for assigning the minor to officiate for the youth athletic program the original or a copy of a written consent to the minor's employment as a referee, umpire, or official signed by the minor's parent or guardian.

(2) A minor's parent or guardian is present during the athletic event at which the minor is working as a referee, umpire, or official.

Sec. 37. This chapter may not prevent a minor of any age from singing, playing, or performing in a studio, circus, theatrical, or musical exhibition, concert, or festival, in radio and television broadcasts, or as a live or photographic model. Employment certificates are not required for employment or appearances set forth in this section, but a minor less than eighteen (18) years of age may not be employed except under the following conditions:

(1) The activities described in this section must not:

(A) be detrimental to the life, health, safety, or welfare of the minor; or

(B) interfere with the schooling of the minor.

Provision shall be made for education equivalent to full-time school attendance in the public schools for minors less than sixteen (16) years of age.

(2) A parent shall accompany a minor less than sixteen (16) years of age at all rehearsals, appearances, and performances.

(3) The employment or appearance may not be in a cabaret, dance hall, night club, tavern, or other similar place.

Sec. 38. The employment of minors by the:

(1) Indiana School for the Deaf; and

(2) Indiana School for the Blind and Visually Impaired;

is subject to the general restrictions imposed on the employment of minors under this chapter.

Sec. 39. Every person, firm, corporation, or company that

employs a minor at least fourteen (14) years of age and less than eighteen (18) years of age in an occupation for which the minor must obtain an employment certificate shall post and keep posted a printed notice in a conspicuous place or in places where notices to employees are customarily posted. This notice must state:

(1) the maximum number of hours a minor may be employed or permitted to work each day of the week; and

(2) the hours of beginning and ending each day.

The forms for this notice shall be furnished by the department.

Sec. 40. The department shall prohibit a minor who is less than eighteen (18) years of age from working in an occupation designated as hazardous by the child labor provisions of the federal Fair Labor Standards Act of 1938, as amended (29 U.S.C. 201 et seq.), except when the minor is working for the minor's parent or a person standing in the place of the minor's parent on a farm owned or operated by the parent or person.

Sec. 40.5. (a) This section does not provide an exception to the limit on the number of hours a minor is permitted to work under sections 30 through 33 of this chapter.

(b) It is unlawful for a person, firm, limited liability company, or corporation to permit a minor who is:

(1) less than eighteen (18) years of age; and

(2) employed by the person, firm, limited liability company, or corporation;

to work after 10 p.m. and before 6 a.m. in an establishment that is open to the public unless another employee at least eighteen (18) years of age also works in the establishment during the same hours as the minor.

(c) The requirement for an employee who is at least eighteen (18) years of age to also work in the establishment under subsection (b) does not apply if the establishment does not open to the public until after 6 a.m. and closes to the public before 10 p.m.

(d) A violation of subsection (b) is a hazardous occupation violation subject to section 45 of this chapter.

Sec. 41. This chapter does not prevent a student from working on a properly guarded machine in the training department of a school when an instructor provides personal supervision.

Sec. 42. (a) The department and its authorized inspectors and agents:

(1) shall enforce this chapter and ensure that all violators are prosecuted; and

(2) may visit and inspect, at all reasonable hours and when as practicable and necessary, all establishments affected by this chapter.

(b) It is unlawful for any person to interfere with, obstruct, or hinder any inspector or agent of the department while the inspector or agent performs official duties or to refuse to properly answer questions asked by an inspector or agent of the department.

(c) When requested in writing by the department, the attorney general shall assist the prosecuting attorney in the prosecution of persons charged with a violation of this chapter.

Sec. 43. (a) For an hour violation under sections 30 through 33 of this chapter or a violation of section 31(4) of this chapter committed by a minor, the civil penalties are as follows:

(1) A warning letter for a first violation.

(2) Revocation of the employment certificate or certificates held by the minor for thirty (30) calendar days.

(b) The department shall assess the civil penalties set forth in subsection (a).

(c) If the department revokes an employment certificate under this section, the issuing officer and the minor's employer shall be notified in writing. The notice may be delivered in person or by registered mail. Immediately after receiving notice of revocation, the employer shall return the employment certificate to the issuing officer.

(d) A minor whose employment certificate or certificates have been revoked may not be employed or allowed to work until the minor legally has obtained a new employment certificate.

Sec. 44. An individual who is an employer, a firm, a limited liability company, or a corporation that violates this chapter may be assessed the civil penalties described in this section by the department. For an employment certificate violation under section 13 or 22 of this chapter, an hour violation of not more than thirty

(30) minutes under sections 30 through 33 of this chapter, a violation of section 31(4) of this chapter, or a posting violation under section 39 of this chapter the civil penalties are as follows:

(1) A warning letter for any violations identified during an initial inspection.

(2) Fifty dollars ($50) per instance for a second violation identified in a subsequent inspection.

(3) Seventy-five dollars ($75) per instance for a third violation that is identified in a subsequent inspection.

(4) One hundred dollars ($100) per instance for a fourth or subsequent violation that is identified in an inspection subsequent to the inspection under subdivision (3) and occurs not more than two (2) years after a prior violation.

Sec. 45. An individual who is an employer, a firm, a limited liability company, or a corporation that violates this chapter may be assessed the civil penalties described in this section by the department. For an hour violation of more than thirty (30) minutes under sections 30 through 33 of this chapter, an age violation under section 35 or 37 of this chapter, each minor employed in violation of section 35(b) of this chapter, or a hazardous occupation violation under section 40 or 40.5 of this chapter the civil penalties are as follows:

(1) A warning letter for any violations identified during an initial inspection.

(2) One hundred dollars ($100) per instance for each violation identified in a subsequent inspection.

(3) Two hundred dollars ($200) per instance for a third violation that is identified in a subsequent inspection.

(4) Four hundred dollars ($400) per instance for a fourth or subsequent violation that is identified in an inspection subsequent to the inspection under subdivision (3) and occurs not more than two (2) years after a prior violation.

Sec. 46. (a) A civil penalty assessed under section 44 or 45 of this chapter:

(1) is subject to IC 4-21.5-3-6; and

(2) becomes effective without a proceeding under IC 4-21.5-3 unless a person requests an administrative review not later

than thirty (30) days after notice of the assessment is given.

(b) For purposes of determining:

(1) whether a second violation has occurred when assessing a civil penalty under subsection (a), a first violation expires one (1) year after the date of issuance of a warning letter by the department under section 44 or 45 of this chapter; and

(2) recurring violations of this section, each location of an employer shall be considered separate and distinct from another location of the same employer.

Sec. 47. (a) There is established an employment of youth fund to educate affected parties on the purposes and contents of this chapter and the responsibilities of all parties under this chapter.

(b) One-half (1/2) of the employment of youth fund each year shall be used for the purpose of the education provision of this subsection, and may be used to award grants to provide educational programs. The remaining one-half (1/2) of the employment of youth fund shall be used each year for the expenses of hiring and salaries of additional inspectors to enforce this chapter under section 44 of this chapter and to develop and maintain the data base under IC 22-1-1-23.

(c) The employment of youth fund shall be administered by the department. The expenses of administering the employment of youth fund shall be paid from money in the fund. The treasurer of state shall invest the money in the employment of youth 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 employment of youth fund. Money in the employment of youth fund at the end of a state fiscal year does not revert to the state general fund.

(d) Revenue received from civil penalties under this chapter shall be deposited in the employment of youth fund.

(e) All inspectors hired to enforce this chapter shall also be available to educate affected parties on the purposes and contents of this chapter and the responsibilities of all parties under this chapter.

Sec. 48. (a) An employment certificate shall be issued:

(1) in a form approved by; and

(2) under rules adopted under IC 4-22-2 by;

the department.

(b) The style of the form and the rules adopted under this section must:

(1) be consistent with this chapter; and

(2) promote uniformity and efficiency in the administration of this chapter.

Sec. 49. On April 1, 2020, the auditor of state shall transfer the balance that remains on March 31, 2020, in the employment of youth fund established by IC 20-33-3-42 (before its repeal) to the employment of youth fund established by section 47 of this chapter.

Sec. 50. This chapter expires June 30, 2021.

SECTION 16. IC 22-2-18.1 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2020]:

Chapter 18.1. Employment of Minors

Sec. 1. This chapter is effective July 1, 2021.

Sec. 2. (a) This chapter does not apply to:

(1) a parent who employs the parent's own child;

(2) a person standing in place of a parent who employs a child in the person's custody; or

(3) a legal entity whose ownership is limited to the parents of the employed child or persons standing in place of the parent of the employed child;

except in the instances of underage employment (as set forth in section 12(a) of this chapter), employment during school hours (as set forth in section 12(b) of this chapter), and employment in hazardous occupations designated by federal law (as set forth in section 23 of this chapter).

(b) This chapter does not apply to a minor enrolled in a work based learning course (as defined in IC 20-43-8-0.7).

Sec. 3. This chapter applies to a minor less than eighteen (18) years of age who is employed or is seeking employment in Indiana.

Sec. 4. As used in this chapter, "department" refers to the department of labor created by IC 22-1-1-1.

Sec. 5. As used in this chapter, "employer" means a person,

firm, limited liability company, or corporation that hires, employs, or permits a minor to work in a gainful occupation.

Sec. 6. As used in this chapter, "high school" has the meaning set forth in IC 20-18-2-7.

Sec. 7. As used in this chapter, "nonschool week" refers to a week that contains two (2) or fewer school days.

Sec. 8. As used in this chapter, "parent" has the meaning set forth in IC 20-18-2-13.

Sec. 9. As used in this chapter, "public school" has the meaning set forth in IC 20-18-2-15.

Sec. 10. As used in this chapter, "school day" refers to a day that contains more than four (4) hours of classroom instruction.

Sec. 10.5. As used in this chapter, "school hours" refers to the hours that the school corporation, within the boundaries of which the minor resides while employed, is in session during the regularly scheduled school year.

Sec. 11. As used in this chapter, "school week" refers to a week that contains at least three (3) school days.

Sec. 12. (a) This subsection does not apply to a minor who is employed or works as a youth athletic program referee, umpire, or official under section 13 of this chapter. A minor less than:

(1) fourteen (14) years of age may not be employed or allowed to work in any gainful occupation except as a farm laborer, domestic service worker, caddie for persons playing the game of golf, or newspaper carrier; and

(2) twelve (12) years of age may not be permitted to work at farm labor except on a farm operated by the minor's parent.

(b) Except as provided in section 14 of this chapter, an employer may not employ or permit any minor less than sixteen (16) years of age to work in any occupation during school hours on a school day.

Sec. 13. (a) If the conditions of subsections (b) and (c) are satisfied, a minor who is less than eighteen (18) years of age is exempt from the requirements of this chapter whenever the minor is employed or works as a youth athletic program referee, umpire, or official.

(b) A minor must satisfy all of the following:

(1) The minor is at least twelve (12) years of age.

(2) The minor is certified as a referee, umpire, or official by a national certification program.

(3) The minor is a referee, umpire, or official for an age bracket younger than the minor's own age.

(c) In addition to the requirements of subsection (b), one (1) of the following must be satisfied:

(1) The minor:

(A) works with a person who is:

(i) at least eighteen (18) years of age; and

(ii) also working as a referee, umpire, or official at the same athletic event at which the minor is working as a referee, umpire, or official; and

(B) has on file with the person responsible for assigning the minor to officiate for the youth athletic program the original or a copy of a written consent to the minor's employment as a referee, umpire, or official signed by the minor's parent or guardian.

(2) A minor's parent or guardian is present during the athletic event at which the minor is working as a referee, umpire, or official.

Sec. 14. This chapter may not prevent a minor of any age from singing, playing, or performing in a studio, circus, theatrical, or musical exhibition, concert, or festival, in radio and television broadcasts, or as a live or photographic model. A minor less than eighteen (18) years of age may not be employed except under the following conditions:

(1) The activities described in this section must not:

(A) be detrimental to the life, health, safety, or welfare of the minor; or

(B) interfere with the schooling of the minor.

Provision shall be made for education equivalent to full-time school attendance in the public schools for minors less than sixteen (16) years of age.

(2) A parent shall accompany a minor less than sixteen (16) years of age at all rehearsals, appearances, and performances.

(3) The employment or appearance may not be in a cabaret, dance hall, night club, tavern, or other similar place.

Sec. 15. The employment of minors by the:

(1) Indiana School for the Deaf; and

(2) Indiana School for the Blind and Visually Impaired;

is subject to the general restrictions imposed on the employment of minors under this chapter.

Sec. 16. (a) Except as provided in subsection (b), sections 17 through 22 of this chapter apply only to the employment of a minor who is less than eighteen (18) years of age.

(b) Sections 17 through 22 of this chapter do not apply to the following:

(1) A minor who is at least fourteen (14) years of age but less than eighteen (18) years of age who:

(A) performs:

(i) farm labor; or

(ii) domestic service; or

(B) acts as a:

(i) caddie for a person playing the game of golf; or

(ii) newspaper carrier.

(2) A minor who is:

(A) at least twelve (12) years of age but less than eighteen (18) years of age; and

(B) employed or works as a youth athletic program referee, umpire, or official under section 13 of this chapter.

(3) A minor less than eighteen (18) years of age who:

(A) works as an actor or performer if the provisions of section 14 of this chapter are met; or

(B) has graduated from high school.

Sec. 17. The following apply only to a minor who is at least fourteen (14) years of age and less than sixteen (16) years of age:

(1) The minor may not work before 7 a.m. or after 7 p.m. However, except on a day that precedes a school day when the minor may only work until 7 p.m, the minor may work until 9 p.m. from June 1 through Labor Day.

(2) The minor may not work:

(A) more than three (3) hours on a school day;

(B) more than eighteen (18) hours in a school week;

(C) more than eight (8) hours on a nonschool day; or

(D) more than forty (40) hours in a nonschool week.

Sec. 18. A minor who is at least sixteen (16) years of age and less than eighteen (18) years of age may not:

(1) work for more than nine (9) hours in any one (1) day;

(2) work for more than forty (40) hours in a school week;

(3) work for more than forty-eight (48) hours in a nonschool week;

(4) work for more than six (6) days in any one (1) week; or

(5) begin a work day before 6 a.m.

Sec. 19. A minor who is at least sixteen (16) years of age and less than eighteen (18) years of age may work until 10 p.m. on nights that are followed by a school day in any occupation except those that the commissioner of labor determines to be:

(1) dangerous to life or limb; or

(2) injurious to health or morals.

Sec. 20. A minor who is at least sixteen (16) years of age and less than eighteen (18) years of age may work until 11 p.m. on a night followed by a school day if the employer has obtained written permission from the minor's parent and placed the written permission on file in the employer's office.

Sec. 21. A minor who is at least sixteen (16) years of age and less than eighteen (18) years of age may be employed at the same daily and weekly hours and at the same times of day as adults if the minor is a member of any of the following categories:

(1) The minor is a high school graduate.

(2) The minor has completed an approved career and technical education program or special education program.

(3) The minor is not enrolled in a regular school term.

Sec. 22. Every employer that employs a minor at least fourteen (14) years of age and less than eighteen (18) years of age shall post and keep posted a printed notice in a conspicuous place or in places where notices to employees are customarily posted. This notice must state:

(1) the maximum number of hours a minor may be employed or permitted to work each day of the week; and

(2) the hours of beginning and ending each day.

The forms for this notice shall be furnished by the department.

Sec. 23. The department shall prohibit a minor who is less than eighteen (18) years of age from working in an occupation designated as hazardous by the child labor provisions of the federal Fair Labor Standards Act of 1938, as amended (29 U.S.C. 201 et seq.), except when the minor is working for the minor's parent or a person standing in the place of the minor's parent on a farm owned or operated by the parent or person.

Sec. 23.5. (a) This section does not provide an exception to the limit on the number of hours a minor is permitted to work under sections 17 through 20 of this chapter.

(b) It is unlawful for an employer to permit a minor who is:

(1) less than eighteen (18) years of age; and

(2) employed by the employer;

to work after 10 p.m. and before 6 a.m. in an establishment that is open to the public unless another employee at least eighteen (18) years of age also works in the establishment during the same hours as the minor.

(c) The requirement for an employee who is at least eighteen (18) years of age to also work in the establishment under subsection (b) does not apply if the establishment does not open to the public until after 6 a.m. and closes to the public before 10 p.m.

(d) A violation of subsection (b) is a hazardous occupation violation subject to section 30 of this chapter.

Sec. 24. This chapter does not prevent a student from working on a properly guarded machine in the training department of a school when an instructor provides personal supervision.

Sec. 25. (a) The department shall create and maintain a data base that is accessible by the public and that displays each employer that is required to register under this chapter.

(b) The data base must include the name and electronic mail address of each employer registered under this chapter.

Sec. 26. (a) Each employer that hires, employs, or permits at least five (5) minors who are:

(1) at least fourteen (14) years of age; and

(2) less than eighteen (18) years of age;

to work in a gainful occupation must register with the department.

(b) An employer that must register under this chapter must

provide, in the form and manner prescribed by the department, the following information:

(1) The name of the employer.

(2) The electronic mail address of the employer.

(3) The number of minors whom the employer has hired, employed, or permitted to work in a gainful occupation.

(4) Any other information required by the department.

Sec. 27. (a) The department shall adopt rules under IC 4-22-2, including emergency rules adopted in the manner provided under IC 4-22-2-37.1, to:

(1) develop a schedule for the submission of the registration under section 26 of this chapter; and

(2) implement this chapter.

(b) The department may establish recommendations for rest breaks.

Sec. 28. (a) The department and its authorized inspectors and agents:

(1) shall enforce this chapter and ensure that all violators are prosecuted; and

(2) may visit and inspect, at all reasonable hours and when as practicable and necessary, all establishments affected by this chapter.

(b) It is unlawful for any person to interfere with, obstruct, or hinder any inspector or agent of the department while the inspector or agent performs official duties or to refuse to properly answer questions asked by an inspector or agent of the department.

(c) When requested in writing by the department, the attorney general shall assist the prosecuting attorney in the prosecution of persons charged with a violation of this chapter.

Sec. 29. (a) The department and its authorized inspectors and agents may investigate the age of a minor who is employed or allowed to work in an occupation.

(b) If the department or its authorized inspectors and agents find that the age of the minor is below the age authorized under this chapter, the:

(1) employment; or

(2) fact that the minor is allowed to work;

is prima facie evidence of unlawful employment.

Sec. 30. (a) An employer that violates this chapter may be assessed the civil penalties described in this section by the department.

(b) For an hour violation of not more than thirty (30) minutes under sections 17 through 20 of this chapter, a violation of section 18(4) of this chapter, or a posting violation under section 22 of this chapter the civil penalties are as follows:

(1) A warning letter for any violations identified during an initial inspection.

(2) Fifty dollars ($50) per instance for a second violation identified in a subsequent inspection.

(3) Seventy-five dollars ($75) per instance for a third violation that is identified in a subsequent inspection.

(4) One hundred dollars ($100) per instance for a fourth or subsequent violation that is identified in an inspection subsequent to the inspection under subdivision (3) and that occurs not more than two (2) years after a prior violation.

(c) For a failure to register or failure to register the correct number of minors employed under section 26 of this chapter, an hour violation of more than thirty (30) minutes under sections 17 through 20 of this chapter, an age violation under section 12 or 14 of this chapter, each minor employed in violation of section 12(b) of this chapter, or a hazardous occupation violation under section 23 or 23.5 of this chapter the civil penalties are as follows:

(1) A warning letter for any violations identified during an initial inspection.

(2) One hundred dollars ($100) per instance for each violation identified in a subsequent inspection.

(3) Two hundred dollars ($200) per instance for a third violation that is identified in a subsequent inspection.

(4) Four hundred dollars ($400) per instance for a fourth or subsequent violation that is identified in an inspection subsequent to the inspection under subdivision (3) and that occurs not more than two (2) years after a prior violation.

Sec. 31. (a) A civil penalty assessed under section 30 of this

chapter:

(1) is subject to IC 4-21.5-3-6; and

(2) becomes effective without a proceeding under IC 4-21.5-3 unless a person requests an administrative review not later than thirty (30) days after notice of the assessment is given.

(b) For purposes of determining:

(1) whether a second violation has occurred when assessing a civil penalty under subsection (a), a first violation expires one (1) year after the date of issuance of a warning letter by the department under section 30 of this chapter; and

(2) recurring violations of this section, each location of an employer shall be considered separate and distinct from another location of the same employer.

Sec. 32. (a) There is established a labor education and youth employment fund to educate affected parties on the purposes and contents of this chapter and the responsibilities of all parties under this chapter.

(b) The labor education and youth employment fund shall be used each year for the expenses of hiring and salaries of additional inspectors to enforce this chapter under section 30 of this chapter and to develop and maintain the data base under this chapter. Any remaining funds may be used for the purpose of the education provision of this subsection and may be used to award grants to provide educational programs.

(c) The labor education and youth employment fund shall be administered by the department. The expenses of administering the labor education and youth employment fund shall be paid from money in the fund. The treasurer of state shall invest the money in the labor education and youth employment 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 labor education and youth employment fund. Money in the labor education and youth employment fund at the end of a state fiscal year does not revert to the state general fund.

(d) Revenue received from civil penalties under section 30 of this chapter shall be deposited in the labor education and youth

employment fund.

(e) All inspectors hired to enforce this chapter shall also be available to educate affected parties on the purposes and contents of this chapter and the responsibilities of all parties under this chapter.

Sec. 33. On July 1, 2021, the auditor of state shall transfer the balance that remains on June 30, 2021, in the employment of youth fund established by IC 22-2-18-47 (before its expiration) to the labor education and youth employment fund established by section 32 of this chapter.

Sec. 34. The department shall submit, not later than December 1 of each year, an annual report listing all registered employers under section 25 of this chapter to the governor's workforce cabinet established by IC 4-3-27-3.

SECTION 17. IC 22-3-6-1, AS AMENDED BY P.L.63-2019, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2020]: Sec. 1. In IC 22-3-2 through IC 22-3-6, unless the context otherwise requires:

(a) "Employer" includes the state and any political subdivision, any municipal corporation within the state, any individual or the legal representative of a deceased individual, firm, association, limited liability company, limited liability partnership, or corporation or the receiver or trustee of the same, using the services of another for pay. A corporation, limited liability company, or limited liability partnership that controls the activities of another corporation, limited liability company, or limited liability partnership, or a corporation and a limited liability company or a corporation and a limited liability partnership that are commonly owned entities, or the controlled corporation, limited liability company, limited liability partnership, or commonly owned entities, and a parent corporation and its subsidiaries shall each be considered joint employers of the corporation's, the controlled corporation's, the limited liability company's, the limited liability partnership's, the commonly owned entities', the parent's, or the subsidiaries' employees for purposes of IC 22-3-2-6 and IC 22-3-3-31. Both a lessor and a lessee of employees shall each be considered joint employers of the employees provided by the lessor to the lessee for purposes of IC 22-3-2-6 and IC 22-3-3-31. If the employer is insured,

the term includes the employer's insurer so far as applicable. However, the inclusion of an employer's insurer within this definition does not allow an employer's insurer to avoid payment for services rendered to an employee with the approval of the employer. The term also includes an employer that provides on-the-job training under the federal School to Work Opportunities Act (20 U.S.C. 6101 et seq.) to the extent set forth in IC 22-3-2-2.5. The term does not include a nonprofit corporation that is recognized as tax exempt under Section 501(c)(3) of the Internal Revenue Code (as defined in IC 6-3-1-11(a)) to the extent the corporation enters into an independent contractor agreement with a person for the performance of youth coaching services on a part-time basis.

(b) "Employee" means every person, including a minor, in the service of another, under any contract of hire or apprenticeship, written or implied, except one whose employment is both casual and not in the usual course of the trade, business, occupation, or profession of the employer.

(1) An executive officer elected or appointed and empowered in accordance with the charter and bylaws of a corporation, other than a municipal corporation or governmental subdivision or a charitable, religious, educational, or other nonprofit corporation, is an employee of the corporation under IC 22-3-2 through IC 22-3-6. An officer of a corporation who is an employee of the corporation under IC 22-3-2 through IC 22-3-6 may elect not to be an employee of the corporation under IC 22-3-2 through IC 22-3-6. An officer of a corporation who is also an owner of any interest in the corporation may elect not to be an employee of the corporation under IC 22-3-2 through IC 22-3-6. If an officer makes this election, the officer must serve written notice of the election on the corporation's insurance carrier and the board. An officer of a corporation may not be considered to be excluded as an employee under IC 22-3-2 through IC 22-3-6 until the notice is received by the insurance carrier and the board.

(2) An executive officer of a municipal corporation or other governmental subdivision or of a charitable, religious, educational, or other nonprofit corporation may, notwithstanding any other provision of IC 22-3-2 through IC 22-3-6, be brought within the

coverage of its insurance contract by the corporation by specifically including the executive officer in the contract of insurance. The election to bring the executive officer within the coverage shall continue for the period the contract of insurance is in effect, and during this period, the executive officers thus brought within the coverage of the insurance contract are employees of the corporation under IC 22-3-2 through IC 22-3-6.

(3) Any reference to an employee who has been injured, when the employee is dead, also includes the employee's legal representatives, dependents, and other persons to whom compensation may be payable.

(4) An owner of a sole proprietorship may elect to include the owner as an employee under IC 22-3-2 through IC 22-3-6 if the owner is actually engaged in the proprietorship business. If the owner makes this election, the owner must serve upon the owner's insurance carrier and upon the board written notice of the election. No owner of a sole proprietorship may be considered an employee under IC 22-3-2 through IC 22-3-6 until the notice has been received. If the owner of a sole proprietorship:

(A) is an independent contractor in the construction trades and does not make the election provided under this subdivision, the owner must obtain a certificate of exemption under IC 22-3-2-14.5; or

(B) is an independent contractor and does not make the election provided under this subdivision, the owner may obtain a certificate of exemption under IC 22-3-2-14.5.

(5) A partner in a partnership may elect to include the partner as an employee under IC 22-3-2 through IC 22-3-6 if the partner is actually engaged in the partnership business. If a partner makes this election, the partner must serve upon the partner's insurance carrier and upon the board written notice of the election. No partner may be considered an employee under IC 22-3-2 through IC 22-3-6 until the notice has been received. If a partner in a partnership:

(A) is an independent contractor in the construction trades and does not make the election provided under this subdivision, the partner must obtain a certificate of exemption under

IC 22-3-2-14.5; or

(B) is an independent contractor and does not make the election provided under this subdivision, the partner may obtain a certificate of exemption under IC 22-3-2-14.5.

(6) Real estate professionals are not employees under IC 22-3-2 through IC 22-3-6 if:

(A) they are licensed real estate agents;

(B) substantially all their remuneration is directly related to sales volume and not the number of hours worked; and

(C) they have written agreements with real estate brokers stating that they are not to be treated as employees for tax purposes.

(7) A person is an independent contractor and not an employee under IC 22-3-2 through IC 22-3-6 if the person is an independent contractor under the guidelines of the United States Internal Revenue Service.

(8) An owner-operator that provides a motor vehicle and the services of a driver under a written contract that is subject to IC 8-2.1-24-23, 45 IAC 16-1-13, or 49 CFR 376 to a motor carrier is not an employee of the motor carrier for purposes of IC 22-3-2 through IC 22-3-6. The owner-operator may elect to be covered and have the owner-operator's drivers covered under a worker's compensation insurance policy or authorized self-insurance that insures the motor carrier if the owner-operator pays the premiums as requested by the motor carrier. An election by an owner-operator under this subdivision does not terminate the independent contractor status of the owner-operator for any purpose other than the purpose of this subdivision.

(9) A member or manager in a limited liability company may elect to include the member or manager as an employee under IC 22-3-2 through IC 22-3-6 if the member or manager is actually engaged in the limited liability company business. If a member or manager makes this election, the member or manager must serve upon the member's or manager's insurance carrier and upon the board written notice of the election. A member or manager may not be considered an employee under IC 22-3-2 through IC 22-3-6 until the notice has been received.

(10) An unpaid participant under the federal School to Work Opportunities Act (20 U.S.C. 6101 et seq.) is an employee to the extent set forth in IC 22-3-2-2.5.

(11) A person who enters into an independent contractor agreement with a nonprofit corporation that is recognized as tax exempt under Section 501(c)(3) of the Internal Revenue Code (as defined in IC 6-3-1-11(a)) to perform youth coaching services on a part-time basis is not an employee for purposes of IC 22-3-2 through IC 22-3-6.

(12) An individual who is not an employee of the state or a political subdivision is considered to be a temporary employee of the state for purposes of IC 22-3-2 through IC 22-3-6 while serving as a member of a mobile support unit on duty for training, an exercise, or a response, as set forth in IC 10-14-3-19(c)(2)(B).

(13) A driver providing drive away operations is an independent contractor and not an employee when:

(A) the vehicle being driven is the commodity being delivered; and

(B) the driver has entered into an agreement with the party arranging for the transportation that specifies the driver is an independent contractor and not an employee.

(c) "Minor" means an individual who has not reached seventeen (17) years of age.

(1) Unless otherwise provided in this subsection, a minor employee shall be considered as being of full age for all purposes of IC 22-3-2 through IC 22-3-6.

(2) If the employee is a minor who, at the time of the accident, is employed, required, suffered, or permitted to work in violation of ~~IC 20-33-3-35,~~ **IC 22-2-18-40 (before its expiration on June 30, 2021) and IC 22-2-18.1-23,** the amount of compensation and death benefits, as provided in IC 22-3-2 through IC 22-3-6, shall be double the amount which would otherwise be recoverable. The insurance carrier shall be liable on its policy for one-half (1/2) of the compensation or benefits that may be payable on account of the injury or death of the minor, and the employer shall be liable for the other one-half (1/2) of the compensation or benefits. If the employee is a minor who is not less than sixteen (16) years of age

and who has not reached seventeen (17) years of age and who at the time of the accident is employed, suffered, or permitted to work at any occupation which is not prohibited by law, this subdivision does not apply.

(3) A minor employee who, at the time of the accident, is a student performing services for an employer as part of an approved program under IC 20-37-2-7 shall be considered a full-time employee for the purpose of computing compensation for permanent impairment under IC 22-3-3-10. The average weekly wages for such a student shall be calculated as provided in subsection (d)(4).

(4) The rights and remedies granted in this subsection to a minor under IC 22-3-2 through IC 22-3-6 on account of personal injury or death by accident shall exclude all rights and remedies of the minor, the minor's parents, or the minor's personal representatives, dependents, or next of kin at common law, statutory or otherwise, on account of the injury or death. This subsection does not apply to minors who have reached seventeen (17) years of age.

(d) "Average weekly wages" means the earnings of the injured employee in the employment in which the employee was working at the time of the injury during the period of fifty-two (52) weeks immediately preceding the date of injury, divided by fifty-two (52), except as follows:

(1) If the injured employee lost seven (7) or more calendar days during this period, although not in the same week, then the earnings for the remainder of the fifty-two (52) weeks shall be divided by the number of weeks and parts thereof remaining after the time lost has been deducted.

(2) Where the employment prior to the injury extended over a period of less than fifty-two (52) weeks, the method of dividing the earnings during that period by the number of weeks and parts thereof during which the employee earned wages shall be followed, if results just and fair to both parties will be obtained. Where by reason of the shortness of the time during which the employee has been in the employment of the employee's employer or of the casual nature or terms of the employment it is impracticable to compute the average weekly wages, as defined in this subsection,

regard shall be had to the average weekly amount which during the fifty-two (52) weeks previous to the injury was being earned by a person in the same grade employed at the same work by the same employer or, if there is no person so employed, by a person in the same grade employed in the same class of employment in the same district.

(3) Wherever allowances of any character made to an employee in lieu of wages are a specified part of the wage contract, they shall be deemed a part of the employee's earnings.

(4) In computing the average weekly wages to be used in calculating an award for permanent impairment under IC 22-3-3-10 for a student employee in an approved training program under IC 20-37-2-7, the following formula shall be used. Calculate the product of:

(A) the student employee's hourly wage rate; multiplied by

(B) forty (40) hours.

The result obtained is the amount of the average weekly wages for the student employee.

(e) "Injury" and "personal injury" mean only injury by accident arising out of and in the course of the employment and do not include a disease in any form except as it results from the injury.

(f) "Billing review service" refers to a person or an entity that reviews a medical service provider's bills or statements for the purpose of determining pecuniary liability. The term includes an employer's worker's compensation insurance carrier if the insurance carrier performs such a review.

(g) "Billing review standard" means the data used by a billing review service to determine pecuniary liability.

(h) "Community" means a geographic service area based on ZIP code districts defined by the United States Postal Service according to the following groupings:

(1) The geographic service area served by ZIP codes with the first three (3) digits 463 and 464.

(2) The geographic service area served by ZIP codes with the first three (3) digits 465 and 466.

(3) The geographic service area served by ZIP codes with the first three (3) digits 467 and 468.

(4) The geographic service area served by ZIP codes with the first three (3) digits 469 and 479.

(5) The geographic service area served by ZIP codes with the first three (3) digits 460, 461 (except 46107), and 473.

(6) The geographic service area served by the 46107 ZIP code and ZIP codes with the first three (3) digits 462.

(7) The geographic service area served by ZIP codes with the first three (3) digits 470, 471, 472, 474, and 478.

(8) The geographic service area served by ZIP codes with the first three (3) digits 475, 476, and 477.

(i) "Medical service provider" refers to a person or an entity that provides services or products to an employee under IC 22-3-2 through IC 22-3-6. Except as otherwise provided in IC 22-3-2 through IC 22-3-6, the term includes a medical service facility.

(j) "Medical service facility" means any of the following that provides a service or product under IC 22-3-2 through IC 22-3-6 and uses the CMS 1450 (UB-04) form for Medicare reimbursement:

(1) A hospital (as defined in IC 16-18-2-179).

(2) A hospital based health facility (as defined in IC 16-18-2-180).

(3) A medical center (as defined in IC 16-18-2-223.4).

The term does not include a professional corporation (as defined in IC 23-1.5-1-10) comprised of health care professionals (as defined in IC 23-1.5-1-8) formed to render professional services as set forth in IC 23-1.5-2-3(a)(4) or a health care professional (as defined in IC 23-1.5-1-8) who bills for a service or product provided under IC 22-3-2 through IC 22-3-6 as an individual or a member of a group practice or another medical service provider that uses the CMS 1500 form for Medicare reimbursement.

(k) "Pecuniary liability" means the responsibility of an employer or the employer's insurance carrier for the payment of the charges for each specific service or product for human medical treatment provided under IC 22-3-2 through IC 22-3-6, as follows:

(1) This subdivision applies before July 1, 2014, to all medical service providers, and after June 30, 2014, to a medical service provider that is not a medical service facility. Payment of the charges in a defined community, equal to or less than the charges

made by medical service providers at the eightieth percentile in the same community for like services or products.

(2) Payment of the charges in a reasonable amount, which is established by payment of one (1) of the following:

(A) The amount negotiated at any time between the medical service facility and any of the following, if an amount has been negotiated:

(i) The employer.

(ii) The employer's insurance carrier.

(iii) A billing review service on behalf of a person described in item (i) or (ii).

(iv) A direct provider network that has contracted with a person described in item (i) or (ii).

(B) Two hundred percent (200%) of the amount that would be paid to the medical service facility on the same date for the same service or product under the medical service facility's Medicare reimbursement rate, if an amount has not been negotiated as described in clause (A).

(l) "Service or product" or "services and products" refers to medical, hospital, surgical, or nursing service, treatment, and supplies provided under IC 22-3-2 through IC 22-3-6.

SECTION 18. IC 22-3-7-9, AS AMENDED BY P.L.204-2018, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2020]: Sec. 9. (a) As used in this chapter, "employer" includes the state and any political subdivision, any municipal corporation within the state, any individual or the legal representative of a deceased individual, firm, association, limited liability company, limited liability partnership, or corporation or the receiver or trustee of the same, using the services of another for pay. A corporation, limited liability company, or limited liability partnership that controls the activities of another corporation, limited liability company, or limited liability partnership, or a corporation and a limited liability company or a corporation and a limited liability partnership that are commonly owned entities, or the controlled corporation, limited liability company, limited liability partnership, or commonly owned entities, and a parent corporation and its subsidiaries shall each be considered joint employers of the corporation's, the controlled

corporation's, the limited liability company's, the limited liability partnership's, the commonly owned entities', the parent's, or the subsidiaries' employees for purposes of sections 6 and 33 of this chapter. Both a lessor and a lessee of employees shall each be considered joint employers of the employees provided by the lessor to the lessee for purposes of sections 6 and 33 of this chapter. The term also includes an employer that provides on-the-job training under the federal School to Work Opportunities Act (20 U.S.C. 6101 et seq.) to the extent set forth under section 2.5 of this chapter. If the employer is insured, the term includes the employer's insurer so far as applicable. However, the inclusion of an employer's insurer within this definition does not allow an employer's insurer to avoid payment for services rendered to an employee with the approval of the employer. The term does not include a nonprofit corporation that is recognized as tax exempt under Section 501(c)(3) of the Internal Revenue Code (as defined in IC 6-3-1-11(a)) to the extent the corporation enters into an independent contractor agreement with a person for the performance of youth coaching services on a part-time basis.

(b) As used in this chapter, "employee" means every person, including a minor, in the service of another, under any contract of hire or apprenticeship written or implied, except one whose employment is both casual and not in the usual course of the trade, business, occupation, or profession of the employer. For purposes of this chapter the following apply:

(1) Any reference to an employee who has suffered disablement, when the employee is dead, also includes the employee's legal representative, dependents, and other persons to whom compensation may be payable.

(2) An owner of a sole proprietorship may elect to include the owner as an employee under this chapter if the owner is actually engaged in the proprietorship business. If the owner makes this election, the owner must serve upon the owner's insurance carrier and upon the board written notice of the election. No owner of a sole proprietorship may be considered an employee under this chapter unless the notice has been received. If the owner of a sole proprietorship:

(A) is an independent contractor in the construction trades and

does not make the election provided under this subdivision, the owner must obtain a certificate of exemption under section 34.5 of this chapter; or

(B) is an independent contractor and does not make the election provided under this subdivision, the owner may obtain a certificate of exemption under section 34.5 of this chapter.

(3) A partner in a partnership may elect to include the partner as an employee under this chapter if the partner is actually engaged in the partnership business. If a partner makes this election, the partner must serve upon the partner's insurance carrier and upon the board written notice of the election. No partner may be considered an employee under this chapter until the notice has been received. If a partner in a partnership:

(A) is an independent contractor in the construction trades and does not make the election provided under this subdivision, the partner must obtain a certificate of exemption under section 34.5 of this chapter; or

(B) is an independent contractor and does not make the election provided under this subdivision, the partner may obtain a certificate of exemption under section 34.5 of this chapter.

(4) Real estate professionals are not employees under this chapter if:

(A) they are licensed real estate agents;

(B) substantially all their remuneration is directly related to sales volume and not the number of hours worked; and

(C) they have written agreements with real estate brokers stating that they are not to be treated as employees for tax purposes.

(5) A person is an independent contractor in the construction trades and not an employee under this chapter if the person is an independent contractor under the guidelines of the United States Internal Revenue Service.

(6) An owner-operator that provides a motor vehicle and the services of a driver under a written contract that is subject to IC 8-2.1-24-23, 45 IAC 16-1-13, or 49 CFR 376, to a motor carrier is not an employee of the motor carrier for purposes of this chapter. The owner-operator may elect to be covered and have the

owner-operator's drivers covered under a worker's compensation insurance policy or authorized self-insurance that insures the motor carrier if the owner-operator pays the premiums as requested by the motor carrier. An election by an owner-operator under this subdivision does not terminate the independent contractor status of the owner-operator for any purpose other than the purpose of this subdivision.

(7) An unpaid participant under the federal School to Work Opportunities Act (20 U.S.C. 6101 et seq.) is an employee to the extent set forth under section 2.5 of this chapter.

(8) A person who enters into an independent contractor agreement with a nonprofit corporation that is recognized as tax exempt under Section 501(c)(3) of the Internal Revenue Code (as defined in IC 6-3-1-11(a)) to perform youth coaching services on a part-time basis is not an employee for purposes of this chapter.

(9) An officer of a corporation who is an employee of the corporation under this chapter may elect not to be an employee of the corporation under this chapter. An officer of a corporation who is also an owner of any interest in the corporation may elect not to be an employee of the corporation under this chapter. If an officer makes this election, the officer must serve written notice of the election on the corporation's insurance carrier and the board. An officer of a corporation may not be considered to be excluded as an employee under this chapter until the notice is received by the insurance carrier and the board.

(10) An individual who is not an employee of the state or a political subdivision is considered to be a temporary employee of the state for purposes of this chapter while serving as a member of a mobile support unit on duty for training, an exercise, or a response, as set forth in IC 10-14-3-19(c)(2)(B).

(c) As used in this chapter, "minor" means an individual who has not reached seventeen (17) years of age. A minor employee shall be considered as being of full age for all purposes of this chapter. However, if the employee is a minor who, at the time of the last exposure, is employed, required, suffered, or permitted to work in violation of the ~~child labor~~ **employment of minors** laws of this state, the amount of compensation and death benefits, as provided in this

chapter, shall be double the amount which would otherwise be recoverable. The insurance carrier shall be liable on its policy for one-half (1/2) of the compensation or benefits that may be payable on account of the disability or death of the minor, and the employer shall be wholly liable for the other one-half (1/2) of the compensation or benefits. If the employee is a minor who is not less than sixteen (16) years of age and who has not reached seventeen (17) years of age, and who at the time of the last exposure is employed, suffered, or permitted to work at any occupation which is not prohibited by law, the provisions of this subsection prescribing double the amount otherwise recoverable do not apply. The rights and remedies granted to a minor under this chapter on account of disease shall exclude all rights and remedies of the minor, the minor's parents, the minor's personal representatives, dependents, or next of kin at common law, statutory or otherwise, on account of any disease.

(d) This chapter does not apply to casual laborers as defined in subsection (b), nor to farm or agricultural employees, nor to household employees, nor to railroad employees engaged in train service as engineers, firemen, conductors, brakemen, flagmen, baggagemen, or foremen in charge of yard engines and helpers assigned thereto, nor to their employers with respect to these employees. Also, this chapter does not apply to employees or their employers with respect to employments in which the laws of the United States provide for compensation or liability for injury to the health, disability, or death by reason of diseases suffered by these employees.

(e) As used in this chapter, "disablement" means the event of becoming disabled from earning full wages at the work in which the employee was engaged when last exposed to the hazards of the occupational disease by the employer from whom the employee claims compensation or equal wages in other suitable employment, and "disability" means the state of being so incapacitated.

(f) For the purposes of this chapter, no compensation shall be payable for or on account of any occupational diseases unless disablement, as defined in subsection (e), occurs within two (2) years after the last day of the last exposure to the hazards of the disease except for the following:

(1) In all cases of occupational diseases caused by the inhalation

of silica dust or coal dust, no compensation shall be payable unless disablement, as defined in subsection (e), occurs within three (3) years after the last day of the last exposure to the hazards of the disease.

(2) In all cases of occupational disease caused by the exposure to radiation, no compensation shall be payable unless disablement, as defined in subsection (e), occurs within two (2) years from the date on which the employee had knowledge of the nature of the employee's occupational disease or, by exercise of reasonable diligence, should have known of the existence of such disease and its causal relationship to the employee's employment.

(3) In all cases of occupational diseases caused by the inhalation of asbestos dust, no compensation shall be payable unless disablement, as defined in subsection (e), occurs within three (3) years after the last day of the last exposure to the hazards of the disease if the last day of the last exposure was before July 1, 1985.

(4) In all cases of occupational disease caused by the inhalation of asbestos dust in which the last date of the last exposure occurs on or after July 1, 1985, and before July 1, 1988, no compensation shall be payable unless disablement, as defined in subsection (e), occurs within twenty (20) years after the last day of the last exposure.

(5) In all cases of occupational disease caused by the inhalation of asbestos dust in which the last date of the last exposure occurs on or after July 1, 1988, no compensation shall be payable unless disablement (as defined in subsection (e)) occurs within thirty-five (35) years after the last day of the last exposure.

(g) For the purposes of this chapter, no compensation shall be payable for or on account of death resulting from any occupational disease unless death occurs within two (2) years after the date of disablement. However, this subsection does not bar compensation for death:

(1) where death occurs during the pendency of a claim filed by an employee within two (2) years after the date of disablement and which claim has not resulted in a decision or has resulted in a decision which is in process of review or appeal; or

(2) where, by agreement filed or decision rendered, a compensable

period of disability has been fixed and death occurs within two (2) years after the end of such fixed period, but in no event later than three hundred (300) weeks after the date of disablement.

(h) As used in this chapter, "billing review service" refers to a person or an entity that reviews a medical service provider's bills or statements for the purpose of determining pecuniary liability. The term includes an employer's worker's compensation insurance carrier if the insurance carrier performs such a review.

(i) As used in this chapter, "billing review standard" means the data used by a billing review service to determine pecuniary liability.

(j) As used in this chapter, "community" means a geographic service area based on ZIP code districts defined by the United States Postal Service according to the following groupings:

(1) The geographic service area served by ZIP codes with the first three (3) digits 463 and 464.

(2) The geographic service area served by ZIP codes with the first three (3) digits 465 and 466.

(3) The geographic service area served by ZIP codes with the first three (3) digits 467 and 468.

(4) The geographic service area served by ZIP codes with the first three (3) digits 469 and 479.

(5) The geographic service area served by ZIP codes with the first three (3) digits 460, 461 (except 46107), and 473.

(6) The geographic service area served by the 46107 ZIP code and ZIP codes with the first three (3) digits 462.

(7) The geographic service area served by ZIP codes with the first three (3) digits 470, 471, 472, 474, and 478.

(8) The geographic service area served by ZIP codes with the first three (3) digits 475, 476, and 477.

(k) As used in this chapter, "medical service provider" refers to a person or an entity that provides services or products to an employee under this chapter. Except as otherwise provided in this chapter, the term includes a medical service facility.

(l) As used in this chapter, "medical service facility" means any of the following that provides a service or product under this chapter and uses the CMS 1450 (UB-04) form for Medicare reimbursement:

(1) A hospital (as defined in IC 16-18-2-179).

(2) A hospital based health facility (as defined in IC 16-18-2-180).

(3) A medical center (as defined in IC 16-18-2-223.4).

The term does not include a professional corporation (as defined in IC 23-1.5-1-10) comprised of health care professionals (as defined in IC 23-1.5-1-8) formed to render professional services as set forth in IC 23-1.5-2-3(a)(4) or a health care professional (as defined in IC 23-1.5-1-8) who bills for a service or product provided under this chapter as an individual or a member of a group practice or another medical service provider that uses the CMS 1500 form for Medicare reimbursement.

(m) As used in this chapter, "pecuniary liability" means the responsibility of an employer or the employer's insurance carrier for the payment of the charges for each specific service or product for human medical treatment provided under this chapter as follows:

(1) This subdivision applies before July 1, 2014, to all medical service providers, and after June 30, 2014, to a medical service provider that is not a medical service facility. Payment of the charges in a defined community, equal to or less than the charges made by medical service providers at the eightieth percentile in the same community for like services or products.

(2) Payment of the charges in a reasonable amount, which is established by payment of one (1) of the following:

(A) The amount negotiated at any time between the medical service facility and any of the following, if an amount has been negotiated:

(i) The employer.

(ii) The employer's insurance carrier.

(iii) A billing review service on behalf of a person described in item (i) or (ii).

(iv) A direct provider network that has contracted with a person described in item (i) or (ii).

(B) Two hundred percent (200%) of the amount that would be paid to the medical service facility on the same date for the same service or product under the medical service facility's Medicare reimbursement rate, if an amount has not been negotiated as described in clause (A).

(n) "Service or product" or "services and products" refers to medical, hospital, surgical, or nursing service, treatment, and supplies provided under this chapter.

SECTION 19. IC 22-3-7-9.2, AS AMENDED BY P.L.1-2005, SECTION 183, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2020]: Sec. 9.2. As used in section 9(c) of this chapter, the term "violation of the ~~child labor~~ **employment of minors** laws of this state" means a violation of ~~IC 20-33-3-35.~~ **IC 22-2-18-40 (before its expiration on June 30, 2021) and IC 22-2-18.1-23.** The term does not include a violation of any other provision of ~~IC 20-33-3.~~ **IC 22-2-18 (before its expiration on June 30, 2021) or IC 22-2-18.1.**

SECTION 20. **An emergency is declared for this act.**

P.L.148-2020
[S.430. Approved March 21, 2020.]

AN ACT to amend the Indiana Code concerning natural and cultural resources.

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

SECTION 1. IC 14-8-2-46.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 46.5. "Commercial licensee", for purposes of IC 14-33-24, has the meaning set forth in IC 14-33-24-1.**

SECTION 2. IC 14-8-2-91.7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 91.7. "Fishing boat", for purposes of IC 14-33-24-9, has the meaning set forth in IC 14-33-24-9(a).**

SECTION 3. IC 14-8-2-179.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 179.5. **(a)** "Nonresident", for the purposes of IC 14-19-3-5, has the meaning set forth in IC 14-19-3-5(b).

(b) "Nonresident", for purposes of IC 14-33-24-9, has the meaning set forth in IC 14-33-24-9(a).

SECTION 4. IC 14-8-2-179.8 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 179.8. "Nonmotorized watercraft", for the purposes of IC 14-33-24-9, has the meaning set forth in IC 14-33-24-9(a).**

SECTION 5. IC 14-8-2-202.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 202.5. "Personal watercraft", for purposes of IC 14-15 **and IC 14-33-24,** means a watercraft:

(1) whose primary source of motive power is an inboard motor powering a water jet pump; and

(2) that is designed to be operated by a person who sits, stands, or kneels on the surface of the watercraft rather than sitting or standing inside the watercraft.

SECTION 6. IC 14-8-2-208.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 208.5. "Pontoon", for purposes of IC 14-33-24-9, has the meaning set forth in IC 14-33-24-9(a).**

SECTION 7. IC 14-8-2-210.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 210.5. "Power boat", for purposes of IC 14-33-24-9, has the meaning set forth in IC 14-33-24-9(a).**

SECTION 8. IC 14-8-2-212.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 212.5. "Primary water recreation facility", as used in IC 14-33-24, has the meaning set forth in IC 14-33-24-2.**

SECTION 9. IC 14-8-2-240 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 240. **(a) "Reservoir", for purposes of IC 14-33-24, has the meaning set forth in**

IC 14-33-24-3.

(b) "Reservoir", for purposes of IC 14-37, means an underground geological formation that contains oil or natural gas.

SECTION 10. IC 14-8-2-242 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 242. (a) "Resident", for purposes of IC 14-22, except as provided in subsection (b), means a person who:

(1) is domiciled in Indiana for sixty (60) consecutive days immediately preceding the date of the purchase of a license or permit; and

(2) does not claim residency for hunting, fishing, or trapping in any state other than Indiana or any country other than the United States.

(b) "Resident", for purposes of IC 14-22-17, has the meaning set forth in IC 14-22-17-1.

(c) "Resident", for purposes of IC 14-33-24-9, has the meaning set forth in IC 14-33-24-9(a).

SECTION 11. IC 14-8-2-240.2 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 240.2. "Reservoir conservancy district", as used in IC 14-33-24, has the meaning set forth in IC 14-33-24-4.**

SECTION 12. IC 14-8-2-294.6 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 294.6. "Utility owner", as used in IC 14-33-24, has the meaning set forth in IC 14-33-24-5.**

SECTION 13. IC 14-8-2-305 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 305. "Watercraft", for purposes of IC 14-15, ~~and~~ IC 14-29-8, **and IC 14-33-24,** means any instrumentality or device in or by means of which a person may be transported upon the public water of Indiana. The term includes a motorboat, sailboat, rowboat, skiff, dinghy, or canoe:

(1) of any length or size; and

(2) whether or not used to carry passengers for hire.

SECTION 14. IC 14-33-6-13, AS AMENDED BY P.L.52-2012, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 13. (a) The board shall place the district plan in

operation by constructing all works and maintaining the works in accordance with the district plan.

(b) If necessary to discharge these responsibilities, the board may do the following:

(1) **Except as provided in IC 14-33-24-8(d),** levy taxes on the real property in the district.

(2) **Except as provided in IC 14-33-24-8(d),** make assessments on the real property in the district, except the property that is exempt under IC 14-33-7-4, for exceptional benefits to the property and further assessments pro rata for maintenance and operation of the works of improvement.

(3) Issue bonds and short and long term notes.

(4) Incur other debts and liabilities.

(5) **Except as provided in subsection (c),** exercise the power of eminent domain, both inside and outside the boundaries of the district, in accordance with this article or another eminent domain statute. In the exercise of this power, due care shall be taken to minimize interference with other public interests involved.

(6) Make payments for the fair value of all property taken under eminent domain proceedings, and in cases that are appealed, make the payments into court and proceed promptly in placing the district plan in operation.

(7) Institute any type of civil legal proceedings in a court having jurisdiction over the person or property in question.

(8) Purchase or rent property.

(9) Sell services or property that are produced incident to the district plan at a fair and reasonable price.

(10) Make contracts or otherwise enter into agreements with persons or federal, state, or local governmental agencies for construction, maintenance, operation, or security of any part of the district.

(11) Receive and disburse money.

(12) Lease land and other assets to municipalities, counties, and park boards of municipalities or counties, with the term and annual rental adequate to meet the district's repayment schedule for financing, if any, of the land and other assets leased. Municipalities, counties, and park boards of municipalities or

counties may enter into leases without limitations of other statutes regarding the receipt of petitions, the duration of the term of the lease, or the distance of the land and other assets from the corporate boundaries. The municipalities, counties, and park boards may enter into leases:

(A) for terms as long as fifty (50) years;

(B) at locations that the municipalities, counties, and park boards determine would benefit the municipalities or counties; and

(C) upon terms, conditions, and covenants that are fair and reasonable.

The board may pledge the rental income from the lease as revenue for services or property produced incident to the operation of the district.

(13) Perform necessary construction and maintenance work as follows:

(A) Outside the district.

(B) Outside Indiana if:

(i) there is voluntary agreement on the part of persons outside Indiana; and

(ii) the work will confer benefits to the real property in the district in excess of costs and damages to be paid by the district.

(c) A reservoir conservancy district established under IC 14-33-24 may not exercise the power of eminent domain.

SECTION 15. IC 14-33-9-11 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 11. (a) This section applies only to a reservoir conservancy district established under IC 14-33-24.**

(b) Notwithstanding IC 14-33-7-1(b) and IC 14-33-21-5, the maximum annual levy of the special benefits tax imposed by the board of a reservoir conservancy district established under IC 14-33-24 is two million dollars ($2,000,000). The department of local government finance shall annually calculate the special benefits tax rate of the reservoir conservancy district which, when applied to the assessed valuation of the real property located within the boundaries of the reservoir conservancy district and not

exempt from the special benefits tax, will produce revenue in the amount of the annual levy determined by the board of the reservoir conservancy district. The amount of the annual levy may be less than two million dollars ($2,000,000) but may not exceed two million dollars ($2,000,000).

(c) The board of a reservoir conservancy district shall certify under section 5(a) of this chapter to the auditor of each county having land in the reservoir conservancy district the special benefits tax rate calculated by the department of local government finance under subsection (b) that will produce the revenue amount of the annual levy determined by the board of the reservoir conservancy district, which may be less than two million dollars ($2,000,000) but may not exceed two million dollars ($2,000,000).

(d) The assessed value growth quotient determined under IC 6-1.1-18.5-2 does not apply to the amount of the maximum annual levy that may be imposed under this section.

SECTION 16. IC 14-33-24 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]:

Chapter 24. Reservoir Conservancy Districts

Sec. 1. As used in this chapter, "commercial licensee" means a business entity granted a license by the utility owner to install and construct marinas, boat docks, and beaches adjacent to the shore line of the reservoir located within the boundaries of a reservoir conservancy district.

Sec. 2. As used in this chapter, "primary water recreation facility" means the part or parts of the reservoir located within the boundaries of a reservoir conservancy district that are suitable for recreational use by watercraft.

Sec. 3. As used in this chapter, "reservoir" means a body of water created by the construction of a dam, embankment, or other structure.

Sec. 4. As used in this chapter, "reservoir conservancy district" refers to a conservancy district established under this chapter.

Sec. 5. (a) As used in this chapter, "utility owner" refers to a utility that:

(1) owns at least twenty-five percent (25%) of the surface of

the reservoir located within the boundaries of a reservoir conservancy district; and

(2) is governed by a board of directors for utilities under IC 8-1-11.1-3.

(b) For purposes of this chapter, the utility owner of the reservoir located within the boundaries of a reservoir conservancy district is the utility owner that owns at least twenty-five percent (25%) of the surface of the reservoir located within the boundaries of the reservoir conservancy district.

Sec. 6. A proposed conservancy district may be established as a reservoir conservancy district under this chapter if:

(1) the proposed conservancy district will be established for the purposes of:

(A) developing forests, wildlife areas, parks, and recreational facilities if feasible in connection with beneficial water management, as provided in IC 14-33-1-1(a)(6);

(B) the operation, maintenance, and improvement of:

(i) a work of improvement for water based recreational purposes; or

(ii) another work of improvement that could have been built for any other purpose authorized by IC 14-33-1-1;

as provided in IC 14-33-1-1(a)(9); or

(C) both of the purposes set forth in clauses (A) and (B);

(2) the boundaries of the proposed conservancy district will encompass part or all of a reservoir located partly within a consolidated city; and

(3) at least twenty-five percent (25%) of the surface of the reservoir located within the boundaries of the proposed conservancy district is owned by a utility governed by a board of directors for utilities under IC 8-1-11.1-3.

Sec. 7. (a) After the court issues an order establishing a reservoir conservancy district under IC 14-33-2-26 and the initial board of directors of the reservoir conservancy district is appointed under IC 14-33-5-1, the board of directors and the utility owner of the reservoir located within the boundaries of the reservoir conservancy district shall enter into an operating

agreement.

(b) The operating agreement entered into under this section shall include an operating plan that describes all:

(1) works of improvement; and

(2) modifications and maintenance of improvements;

relating to access to and use of the reservoir located within the boundaries of the reservoir conservancy district that are proposed to be performed by the reservoir conservancy district. Any proposed work by the reservoir conservancy district pursuant to the operating plan or the district plan that involves the reservoir must be approved by the utility owner of the reservoir located within the boundaries of the reservoir conservancy district before the work begins. The process and procedures for the approval of the reservoir conservancy district's proposed work by the utility owner shall be established pursuant to the operating agreement.

(c) An operating agreement shall be entered into under this section before the district plan of the reservoir conservancy district is submitted to or approved by the natural resources commission and the court under IC 14-33-6.

Sec. 8. (a) Except as provided in subsections (b) through (e) or another provision of this chapter, a reservoir conservancy district has all of the powers granted to other conservancy districts by this article.

(b) The district plan of a reservoir conservancy district shall be provided to the utility owner of the reservoir located within the boundaries of the reservoir conservancy district and to any commercial licensee at least thirty (30) days before it is presented to the natural resources commission under IC 14-33-6-3.

(c) A reservoir conservancy district does not have the power of eminent domain.

(d) The utility owner of the reservoir located within the boundaries of the reservoir conservancy district is exempt from all assessments, taxes, and fees imposed under this article by the reservoir conservancy district.

(e) Subject to IC 14-15, a reservoir conservancy district has authority to establish, through the action of the board of directors, and enforce reasonable rules concerning safety, welfare, and the

maintenance of resources within the boundaries of the reservoir conservancy district. However, the rules established under this subsection shall not:

(1) interfere with or supersede state law or state administrative rules;

(2) interfere with the use of the reservoir for water supply purposes by the utility owner of the reservoir located within the boundaries of the reservoir conservancy district;

(3) substantially or directly impair the terms and conditions of the commercial license of any commercial licensee of the utility owner; or

(4) establish other requirements or restrictions to:

(A) discourage public use of the reservoir; or

(B) discourage or prevent uses of the reservoir for activities that:

(i) are regulated under IC 14-22; and

(ii) could legally take place in the reservoir or the area surrounding the reservoir except for the reservoir conservancy district's requirements or restrictions.

Sec. 9. (a) The following definitions apply throughout this section:

(1) "Fishing boat" means a boat that has one (1) or more motors that have a total of not more than thirty (30) horsepower.

(2) "Nonmotorized watercraft" means a watercraft that does not have a motor. The term includes kayaks, canoes, rowboats, paddleboats, and sailboats.

(3) "Nonresident" means a person who does not own or lease real property within the boundaries of the reservoir conservancy district.

(4) "Personal watercraft" has the meaning set forth in IC 14-8-2-202.5.

(5) "Pontoon" means a watercraft that:

(A) uses hollow cylinders to create buoyancy; and

(B) has one (1) or more motors that have a total of not more than one hundred (100) horsepower.

(6) "Power boat" means a boat has one (1) or more motors

that exceed a total of thirty (30) horsepower.

(7) "Resident" means a person who owns or leases real property within the boundaries of the reservoir conservancy district.

(b) A reservoir conservancy district may impose and collect recreation fees for the recreational use of watercraft on the primary water recreation facility of the reservoir located within the boundaries of the reservoir conservancy district.

(c) The recreation fees imposed under this section must include:

(1) a fee charged to every resident who uses a watercraft on the primary water recreation facility for recreational purposes; and

(2) a fee charged to every nonresident who uses a watercraft on the primary water recreation facility for recreational purposes.

(d) The following apply to fees imposed under subsection (c):

(1) The fee allowing a nonresident to use a watercraft for an entire year may not be more than fifty percent (50%) greater than the fee allowing a resident to use a watercraft for an entire year.

(2) The fee allowing a resident to use a watercraft for a single day may not exceed seventeen percent (17%) of the fee allowing a resident to use a watercraft for an entire year.

(3) The fee allowing a nonresident to use a watercraft for a single day may not exceed seventeen percent (17%) of the fee allowing a nonresident to use a watercraft for an entire year.

(e) Subject to subsection (d), a reservoir conservancy district may establish different recreation fees for the following different types of watercrafts:

(1) Power boats.

(2) Pontoon boats.

(3) Fishing boats.

(4) Personal watercraft.

(5) Nonmotorized watercraft.

(f) A reservoir conservancy district that imposes recreation fees under this section:

(1) is authorized to take reasonable actions to administer and

enforce the requirement that a recreation fee be paid for the recreational use of watercraft on the primary water recreation facility of the reservoir conservancy district, including:

(A) issuing and requiring the display of an emblem or other device on a watercraft to signify that the fee has been paid; and

(B) monitoring the use of watercraft on the primary water recreation facility of the reservoir conservancy district to ensure compliance with the recreation fee requirement; and

(2) shall use the revenue derived from the recreation fees collected under this section for:

(A) the preservation and maintenance of the primary water recreation facility; and

(B) the administration of the reservoir conservancy district.

Sec. 10. (a) A reservoir conservancy district, subject to sections 7 and 11 of this chapter and the district plan of the reservoir conservancy district, is authorized to do the following:

(1) Install:

(A) catch basins;

(B) vegetative or constructed filtration systems; or

(C) both catch basins and vegetative or constructed filtration systems;

on or near the tributaries of the primary water recreation facility of the reservoir located within the boundaries of the reservoir conservancy district.

(2) Implement streambank remediation and erosion control measures:

(A) on the tributaries of the reservoir; and

(B) in the watershed of the reservoir;

within the boundaries of the reservoir conservancy district.

(3) Take action to control or remove algae and undesirable aquatic vegetation throughout the primary water recreation facility of the reservoir located within the boundaries of the reservoir conservancy district.

(4) Dredge throughout the primary water recreation facility of the reservoir located within the boundaries of the reservoir conservancy district to maintain sufficient depths for water recreation purposes.

(5) Perform any other acts of remediation, rehabilitation, or improvement that are necessary or useful to maintain the primary water recreation facility of the reservoir located within the boundaries of the reservoir conservancy district.

(b) Any chemicals used by the reservoir conservancy district under subsection (a)(3) must be approved for use by:

(1) the governing federal and state agencies; and

(2) the utility owner of the reservoir located within the boundaries of the reservoir conservancy district.

(c) Any action by the reservoir conservancy district under this section may be conducted only with the necessary authorization from the governing state and federal agencies.

Sec. 11. The utility owner of the reservoir located within the boundaries of the reservoir conservancy district has sole authority and control over all activities to control:

(1) the water level of;

(2) the water quality of; and

(3) the availability of water from;

the reservoir located within the boundaries of the reservoir conservancy district.

SECTION 17. IC 34-30-31.5 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]:

Chapter 31.5. Immunity from Civil Liability

Sec. 1. As used in this chapter, "reservoir conservancy district" means a reservoir conservancy district established under IC 14-33-24.

Sec. 2. As used in this chapter, "utility owner of the reservoir located within the boundaries of the reservoir conservancy district" has the meaning set forth in IC 14-33-24-5.

Sec. 3. As used in this chapter, "watercraft" means any instrumentality or device in or by means of which a person may be transported upon a body of water, including:

(1) a motorboat, sailboat, rowboat, personal watercraft (as defined in IC 14-8-2-202.5), kayak, canoe, pontoon boat, stand up paddle board, or jon boat of any length or size; and

(2) a floating object, whether or not connected to a watercraft described in subdivision (1).

Sec. 4. (a) Except as provided in subsection (b), the utility owner of the reservoir located within the boundaries of a reservoir conservancy district is not liable for any personal injury, death, property damage, or other loss of any nature that an individual incurs while present on or in the reservoir of a reservoir conservancy district, regardless of whether the individual is in a watercraft at the time of the incident causing the personal injury, death, property damage, or other loss, and regardless of whether the individual or any other person with whom the individual was associated paid a recreation fee as described in IC 14-33-24-9 to the reservoir conservancy district for the privilege of using the reservoir of the reservoir conservancy district for recreational purposes.

(b) Subsection (a) does not apply to personal injury, death, property damage, or other loss caused by the intentional or willful and wanton misconduct of the utility owner of the reservoir located within the boundaries of a reservoir conservancy district.

(c) The state is not liable for any personal injury, death, property damage, or other loss of any nature that an individual incurs while present on or in the reservoir of a reservoir conservancy district, regardless of:

(1) whether the individual is in a watercraft at the time of the incident causing the personal injury, death, property damage, or other loss; and

(2) whether the individual or any other person with whom the individual was associated paid a recreation fee as described in IC 14-33-24-9 to the reservoir conservancy district for the privilege of using the reservoir conservancy district for recreational purposes.

Sec. 5. If a person is an owner, as defined in IC 14-22-10-2(c), of property located in a reservoir conservancy district:

(1) IC 14-22-10-2(d) applies to an individual who goes upon

or through the person's property located in the reservoir conservancy district for the purpose of:

(A) entering; or

(B) leaving;

the reservoir located within the boundaries of a reservoir conservancy district; and

(2) under IC 14-22-10-2(e), but subject to IC 14-22-10-2(f) and IC 14-22-10-2(g), the person does not assume responsibility or incur liability for:

(A) an injury to; or

(B) damage to the property of;

an individual caused by an act or failure to act of other persons using the person's property or the reservoir located in the reservoir conservancy district.

Sec. 6. Neither:

(1) a person who:

(A) has a fee interest in;

(B) is a tenant, a lessee, or an occupant of; or

(C) is in control of;

a property located in a reservoir conservancy district; nor

(2) the reservoir conservancy district;

owes a greater duty to an individual using the reservoir for a recreational purpose than they would owe if the conservancy district had not been established.

P.L.149-2020
[S.424. Approved March 21, 2020.]

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

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

SECTION 1. IC 5-26.5-1-2.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 2.5. "Designated address" means the address designated by the office of the attorney general to serve as the address of a program participant.**

SECTION 2. IC 5-26.5-1-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 3. "Domestic violence" includes conduct that is:

(1) an element of an offense under IC 35-42 or a threat to commit an act described in IC 35-42 by a person against: ~~a person who:~~

(A) a family or household member; or

~~(1) is or was a spouse of;~~

~~(2) is or was living as if a spouse of;~~

~~(3) has a child in common with;~~

~~(4) is a minor subject to the control of; or~~

~~(5) is~~ **(B)** an incapacitated individual under the guardianship or otherwise subject to the control of the ~~other~~ person;

(2) an element or threat to commit an act constituting an element of a misdemeanor or felony under the laws of:

(A) the United States;

(B) another state; or

(C) an Indian tribe;

that is substantially similar to an offense described in subdivision (1); or

(3) an attempt or conspiracy to engage in conduct described

in subdivision (1) or (2);

regardless of whether the act or threat has been reported to a law enforcement agency or results in a criminal prosecution **or whether the person who engages in the conduct is an adult.**

SECTION 3. IC 5-26.5-1-3.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 3.5. "Harassment" means conduct that constitutes:**

(1) an offense under IC 35-45-2-2 (harassment);

(2) an offense under the laws of:

(A) the United States;

(B) another state; or

(C) an Indian tribe;

that is substantially similar to an offense described in subdivision (1); or

(3) an attempt or conspiracy to engage in conduct described in subdivision (1) or (2);

regardless of whether the conduct results in criminal prosecution or whether the person who engages in the conduct is an adult.

SECTION 4. IC 5-26.5-1-3.8 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 3.8. "Human trafficking" means conduct that constitutes:**

(1) an offense under IC 35-42-3.5 (human and sexual trafficking);

(2) an offense under the laws of:

(A) the United States;

(B) another state; or

(C) an Indian tribe;

that is substantially similar to an offense described in subdivision (1); or

(3) an attempt or conspiracy to engage in conduct described in subdivision (1) or (2);

regardless of whether the conduct results in criminal prosecution or whether the person who engages in the conduct is an adult.

SECTION 5. IC 5-26.5-1-4.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS

[EFFECTIVE JULY 1, 2020]: **Sec. 4.5. "Intimidation" means conduct that constitutes:**

(1) an offense under IC 35-45-2-1 (intimidation);

(2) an offense under the laws of:

(A) the United States;

(B) another state; or

(C) an Indian tribe;

that is substantially similar to an offense described in subdivision (1); or

(3) an attempt or conspiracy to engage in conduct described in subdivision (1) or (2);

regardless of whether the conduct results in criminal prosecution or whether the person who engages in the conduct is an adult.

SECTION 6. IC 5-26.5-1-4.8 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 4.8. "Invasion of privacy" means conduct that constitutes:**

(1) an offense under IC 35-46-1-15.1 (invasion of privacy);

(2) an offense under the laws of:

(A) the United States;

(B) another state; or

(C) an Indian tribe;

that is substantially similar to an offense described in subdivision (1); or

(3) an attempt or conspiracy to engage in conduct described in subdivision (1) or (2);

regardless of whether the conduct results in criminal prosecution or whether the person who engages in the conduct is an adult.

SECTION 7. IC 5-26.5-1-5.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 5.5. "Person" means an individual, corporation, limited liability company, partnership, unincorporated association, or governmental entity (as defined in IC 35-31.5-2-144).**

SECTION 8. IC 5-26.5-1-5.6 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 5.6. "Program" means the**

address confidentiality program administered by the office of the attorney general under this article.

SECTION 9. IC 5-26.5-1-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 8. ~~For purposes of IC 5-26.5-2-2,~~ "Sexual assault" means conduct that constitutes:

(1) ~~a misdemeanor or felony~~ **an offense** under IC 35-42-4 (sex crimes) or IC 35-46-1-3 (incest);

(2) ~~a misdemeanor or felony~~ **an offense** under the laws of:

(A) the United States;

(B) another state; or

(C) an Indian tribe;

that is substantially similar to an offense described in subdivision (1); or

(3) an attempt **or conspiracy** to engage in conduct described in subdivision (1) or (2);

regardless of whether the conduct results in criminal prosecution or whether the person who engages in the conduct is an adult.

SECTION 10. IC 5-26.5-1-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 9. ~~For purposes of IC 5-26.5-2-2,~~ "Stalking" means conduct that constitutes:

(1) ~~a crime~~ **an offense** under IC 35-45-10-5 (stalking);

(2) ~~a misdemeanor or felony~~ **an offense** under the laws of:

(A) the United States;

(B) another state; or

(C) an Indian tribe;

that is substantially similar to an offense described in subdivision (1); or

(3) an attempt **or conspiracy** to engage in conduct described in subdivision (1) or (2);

regardless of whether the conduct results in criminal prosecution or whether the person who engages in the conduct is an adult.

SECTION 11. IC 5-26.5-2-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 2. The office of the attorney general shall approve an application filed in the manner and on a form prescribed by the office of the attorney general if the application contains the following:

(1) A sworn statement by the applicant that the applicant has good

reason to believe that:

(A) the applicant, ~~or~~ the minor or incapacitated individual on whose behalf the application is made, **or a household member of the applicant** is a victim of:

(i) domestic violence;

(ii) harassment;

(iii) human trafficking;

(iv) intimidation;

(v) invasion of privacy;

~~(ii)~~ **(vi)** sexual assault; or

~~(iii)~~ **(vii)** stalking; and

(B) the applicant fears for:

(i) the applicant's safety; or

(ii) the safety of a minor or an incapacitated individual on whose behalf the application is made.

(2) A copy of a valid protective order, **if any, that has been** issued on behalf of the applicant, ~~or~~ the minor or incapacitated individual on whose behalf the application is made, **or household member of the applicant.**

(3) A designation of the office of the attorney general as an agent of the applicant for the purpose of:

(A) service of process; and

(B) receipt of mail.

(4) The:

(A) mailing address; and

(B) telephone number;

where the applicant may be contacted by the office of the attorney general.

(5) The new address that the applicant requests not be disclosed. ~~because disclosure may increase the risk of domestic violence.~~

(6) The signature of the applicant and of any representative of an agency designated under IC 5-26.5-3-4 that assisted in the preparation of the application.

(7) The date the applicant signed the application.

(8) A description of the applicant's plan, developed with the assistance of a representative of an agency designated under IC 5-26.5-3-4, to maintain the confidentiality of the

applicant's new address.

(9) The office of the attorney general may require the applicant to provide additional information:

(A) to determine the truth or falsity of the sworn statement as described in subdivision (1); or

(B) about the applicant's plan described in subdivision (8).

SECTION 12. IC 5-26.5-2-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 3. (a) Upon approving an application under section 2 of this chapter, the office of the attorney general shall certify the applicant as a program participant.

(b) Subject to IC 5-26.5-3-2, **IC 5-26.5-5-2.5, IC 5-26.5-5-2.6, and IC 5-26.5-5-6,** the name, address, telephone number, and any other identifying information relating to a program participant, as contained in a record created under this chapter, is declared confidential for purposes of IC 5-14-3-4(a)(1).

SECTION 13. IC 5-26.5-2-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 6. Certification as a program participant expires ~~two (2) years:~~ **June 30 of the fourth year** after the date on which the office of the attorney general certifies or renews the certification of the applicant as a program participant. A program participant may apply to renew the certification under section 7 of this chapter.

SECTION 14. IC 5-26.5-2-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 7. (a) This section applies to a program participant whose certification expired under section 6 of this chapter.

(b) The office of the attorney general shall notify the program participant of the expiration date at least thirty (30) days before the expiration date.

(c) The office of the attorney general shall approve an application for renewal of certification filed in the manner and on a form prescribed by the office of the attorney general if the application contains the requirements set forth in section 2 of this chapter. ~~However, a program participant who applies for renewal of certification under this section does not have to provide a copy of a valid protective order.~~

SECTION 15. IC 5-26.5-2-10 IS REPEALED [EFFECTIVE JULY 1, 2020]. ~~Sec. 10. A person who knowingly or intentionally:~~

~~(1) falsely attests in an application made under this chapter that disclosure of the applicant's address would endanger:~~

~~(A) the applicant's safety; or~~

~~(B) the safety of a minor or an incapacitated individual upon whose behalf the application is made; or~~

~~(2) provides false or incorrect information upon making an application under this chapter;~~

~~commits perjury. This section applies to an application for certification under section 2 of this chapter and to an application for renewal of certification under section 7 of this chapter.~~

SECTION 16. IC 5-26.5-3-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 2. **(a)** The office of the attorney general may not disclose for public inspection or copying the name, address, telephone number, or any other identifying information relating to a program participant that is declared confidential under IC 5-26.5-2-3(b), as contained in a record created under this chapter, except as follows:

(1) When requested by a law enforcement agency, to the law enforcement agency.

(2) When directed by a court order, to a person identified in the order.

(b) The office of the attorney general may verify a program participant's status as a participant as necessary to carry out the purposes of this article.

SECTION 17. IC 5-26.5-3-8 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 8. The department of administration shall provide a physical address for the program to use for program participants when a physical address is required by law.**

SECTION 18. IC 5-26.5-4-1.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 1.5. The office of the attorney general may revoke a program participant's certification or deny an applicant's application if the program participant or applicant:**

(1) uses or intends to use the program in furtherance of a crime;

(2) knowingly misrepresents in a fraudulent manner any information the program participant or applicant provides under this article; or

(3) is unable or unwilling to maintain the confidentiality of the program participant's or applicant's address.

SECTION 19. IC 5-26.5-4-5 IS REPEALED [EFFECTIVE JULY 1, 2020]. ~~Sec. 5. Unless the program participant's certification has been renewed under IC 5-26.5-2-7, the office of the attorney general shall revoke the certification of a program participant if the attorney general determines that the protective order on which the certification is based has been terminated or otherwise invalidated.~~

SECTION 20. IC 5-26.5-5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1. **(a)** The program participant, and not the office of the attorney general, is responsible for ~~requesting other persons~~ **providing written notice to a person:**

(1) under section 2.5 of this chapter to use the ~~address designated by the office of the attorney general~~ **designated address** as the program participant's address; **or**

(2) under section 2.6 of this chapter to withhold from disclosure the program participant's identifying information.

(b) The office of the attorney general shall prescribe a form for the program participant to provide written notice under this article.

SECTION 21. IC 5-26.5-5-2 IS REPEALED [EFFECTIVE JULY 1, 2020]. ~~Sec. 2. A program participant may request that any person, including a state or local agency, use the address designated by the office of the attorney general as the program participant's address.~~

SECTION 22. IC 5-26.5-5-2.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 2.5. (a) Except as provided in subsection (b), if a program participant provides a person with:**

(1) written notice on the form prescribed under section 1 of this chapter:

(A) that the individual is a program participant; and

(B) of the requirements of this section; and

(2) the designated address;

the person shall accept the designated address as the address of the

program participant and may not require the program participant to provide an address in place of, or in addition to, the designated address.

(b) A person may require a program participant who complies with subsection (a) to provide an address in addition to the designated address as a condition of receiving a service or benefit that would be impossible to provide without knowledge of the program participant's physical location. However, the person must use the designated address for all mail correspondence with the program participant.

SECTION 23. IC 5-26.5-5-2.6 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 2.6. (a) Except as provided in subsection (c), if a program participant provides written notice to a person on the form prescribed under section 1 of this chapter:**

(1) that the individual is a program participant; and

(2) of the requirements of this section;

the person may not knowingly disclose the program participant's address.

(b) A landlord that receives a written notice under section 1 of this chapter is also prohibited from displaying the program participant's name at the program participant's address. If the program participant resides in a unit of a multifamily building or complex, a landlord may not display the program participant's name at the unit, building, or complex, including display of the name on a mailbox, door, or in a tenant directory, clubhouse, or other common area.

(c) After a person receives written notice under section 1 of this chapter, the person may disclose the program participant's information under the following circumstances:

(1) If the program participant provides written consent to the person for disclosure of the program participant's address, the person may disclose the information only for the purpose for which the consent was given.

(2) A landlord may provide a program participant's name to the state or a political subdivision only when responding to a specific request made in connection to:

(A) an active investigation or inspection of an alleged health, building, or fire code violation; or

(B) an active investigation of a violation of the law allegedly committed by the program participant.

(d) This section does not apply to records of the judicial branch.

SECTION 24. IC 5-26.5-5-3 IS REPEALED [EFFECTIVE JULY 1, 2020]. ~~Sec. 3. (a) Whenever a state or local agency creates a new public record, the agency shall accept the address designated by the office of the attorney general as a program participant's substitute address unless the office of the attorney general determines that the agency is required by statute or administrative rule to use an address that would otherwise be confidential under this article.~~

~~(b) A state or local agency that uses a confidential address under subsection (a) may use the confidential address only for the purpose set out in the statute or administrative rule identified under subsection (a).~~

SECTION 25. IC 5-26.5-5-4 IS REPEALED [EFFECTIVE JULY 1, 2020]. ~~Sec. 4. If:~~

~~(1) section 3 of this chapter does not apply; and~~

~~(2) federal law does not specifically require that the person use an address that otherwise would be confidential under this chapter;~~

~~the person that receives a request under section 2 of this chapter shall use the address designated by the office of the attorney general as the program participant's address.~~

SECTION 26. IC 5-26.5-5-6 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 6. (a) A person may not disclose a program participant's address in the course of a civil or criminal proceeding before a court or other tribunal, unless that court or tribunal finds that:**

(1) the address is needed to obtain information or evidence without which the matter before the court or other tribunal may not proceed;

(2) there is no other practicable way of obtaining the information or evidence; and

(3) the potential harm to the safety of the program participant is outweighed by the interest in disclosure.

(b) The court or other tribunal must provide the program

participant and the office of the attorney general with:

(1) notice that address disclosure is sought; and

(2) an opportunity to be heard and present evidence regarding the potential harm to the safety of the program participant if the address is disclosed.

(c) In a criminal proceeding, the court or other tribunal shall order disclosure of a program participant's address if the court or tribunal finds that protecting the address would violate a constitutional right of the accused.

(d) If the court or other tribunal orders disclosure of a program participant's address in a civil or criminal proceeding, the court or tribunal shall issue an appropriate order to further prohibit the disclosure of the address except to the extent absolutely necessary to obtain the information or evidence.

P.L.150-2020
[H.1002. Approved March 21, 2020.]

AN ACT to amend the Indiana Code concerning education.

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

SECTION 1. IC 20-28-11.5-4, AS AMENDED BY P.L.275-2019, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 4. (a) Each school corporation shall develop a plan for annual performance evaluations for each certificated employee. A school corporation shall implement the plan beginning with the 2012-2013 school year.

(b) Instead of developing its own staff performance evaluation plan under subsection (a), a school corporation may adopt a staff performance evaluation plan that meets the requirements set forth in this chapter or any of the following models:

(1) A plan using master teachers or contracting with an outside vendor to provide master teachers.

(2) The System for Teacher and Student Advancement (TAP).

(3) The Peer Assistance and Review Teacher Evaluation System (PAR).

(c) A plan must include the following components:

(1) Performance evaluations for all certificated employees, conducted at least annually.

~~(2) Objective measures of student achievement and growth to significantly inform the evaluation. The objective measures must include:~~

~~(A) student assessment results from statewide assessments for certificated employees whose responsibilities include instruction in subjects measured in statewide assessments;~~

~~(B) methods for assessing student growth for certificated employees who do not teach in areas measured by statewide assessments; and~~

~~(C) student assessment results from locally developed assessments and other test measures for certificated employees whose responsibilities may or may not include instruction in subjects and areas measured by statewide assessments.~~

~~(3)~~ **(2)** Rigorous measures of effectiveness, including observations and other performance indicators.

~~(4)~~ **(3)** An annual designation of each certificated employee in one (1) of the following rating categories:

(A) Highly effective.

(B) Effective.

(C) Improvement necessary.

(D) Ineffective.

~~(5)~~ **(4)** An explanation of the evaluator's recommendations for improvement, and the time in which improvement is expected.

~~(6)~~ **(5)** A provision that a teacher who negatively affects student achievement and growth cannot receive a rating of highly effective or effective.

~~(7)~~ **(6)** ~~For annual performance evaluations for school years beginning after June 30, 2015, Provide for~~ A pre-evaluation planning session conducted by the superintendent or equivalent

authority for the school corporation with the principals in the school corporation.

(d) In developing a performance evaluation plan, a school corporation may consider the following:

(1) Test scores of students (both formative and summative).

(2) Classroom presentation observations.

(3) Observation of student-teacher interaction.

(4) Knowledge of subject matter.

(5) Dedication and effectiveness of the teacher through time and effort on task.

(6) Contributions of teachers through group teacher interactivity in fulfilling the school improvement plan.

(7) Cooperation of the teacher with supervisors and peers.

(8) Extracurricular contributions of the teacher.

(9) Outside performance evaluations.

(10) Compliance with school corporation rules and procedures.

(11) Other items considered important by the school corporation in developing each student to the student's maximum intellectual potential and performance.

The state board and the department may recommend additional factors, but may not require additional factors unless directed to do so by the general assembly.

(e) The state board may create a method or model to align currently used performance evaluation plan factors with each of the following indicators:

(1) Maximizing instructional time.

(2) Student engagement.

(3) Developing student understanding and mastery of lesson objectives.

(4) Tracking student data and analyzing progress.

(5) Checking for student understanding.

(f) ~~This subsection applies to plans applicable to annual performance evaluations for school years beginning after June 30, 2015.~~ The plan must:

(1) be in writing; and

(2) be explained to the governing body in a public meeting;

before the evaluations are conducted. Before explaining the plan to the

governing body, the superintendent of the school corporation shall discuss the plan with teachers or the teachers' representative, if there is one. This discussion is not subject to the open door law (IC 5-14-1.5). The plan is not subject to bargaining, but a discussion of the plan must be held.

(g) The evaluator shall discuss the evaluation with the certificated employee.

SECTION 2. IC 20-28-11.5-8, AS AMENDED BY P.L.160-2012, SECTION 50, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 8. (a) To implement this chapter, the state board shall do the following:

(1) ~~Before January 31, 2012,~~ Adopt rules under IC 4-22-2 that establish:

(A) the criteria that define each of the four categories of teacher ratings under section ~~4(c)(4)~~ **(4)(c)(3)** of this chapter;

~~(B) the measures to be used to determine student academic achievement and growth under section 4(c)(2) of this chapter;~~

~~(C)~~ **(B)** standards that define actions that constitute a negative impact on student achievement; and

~~(D)~~ **(C)** an acceptable standard for training evaluators.

(2) ~~Before January 31, 2012,~~ Work with the department to develop a model plan and release it to school corporations. Subsequent versions of the model plan that contain substantive changes must be provided to school corporations.

(3) Work with the department to ensure the availability of ongoing training on the use of the performance evaluation to ensure that all evaluators and certificated employees have access to information on the plan, the plan's implementation, and this chapter.

(b) A school corporation may adopt the department's model plan, or any other model plan approved by the department, without the state board's approval.

(c) A school corporation may substantially modify the model plan or develop the school corporation's own plan, if the substantially modified or developed plan meets the criteria established under this chapter. If a school corporation substantially modifies the model plan or develops its own plan, the department may request that the school corporation submit the plan to the department to ensure the plan meets the criteria

developed under this chapter. If the department makes such a request, before submitting a substantially modified or new staff performance evaluation plan to the department, the governing body shall submit the staff performance evaluation plan to the teachers employed by the school corporation for a vote. If at least seventy-five percent (75%) of the voting teachers vote in favor of adopting the staff performance evaluation plan, the governing body may submit the staff performance evaluation plan to the department.

(d) Each school corporation shall submit its staff performance evaluation plan to the department. The department shall publish the staff performance evaluation plans on the department's Internet web site. A school corporation must submit its staff performance evaluation plan to the department for approval in order to qualify for any grant funding related to this chapter.

SECTION 3. IC 20-28-11.5-9, AS AMENDED BY P.L.239-2015, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 9. (a) The principal of a school in a school corporation shall report in the aggregate the results of staff performance evaluations for the school for the previous school year to the superintendent and the governing body for the school corporation before August 15 of each year on the schedule determined by the governing body. The report must be presented in a public meeting of the governing body. Before presentation to the governing body, the superintendent of the school corporation shall discuss the report of completed evaluations with the teachers. This discussion is not subject to the open door law (IC 5-14-1.5). The report of completed evaluations is not subject to bargaining, but a discussion of the report must be held.

(b) A school corporation annually shall provide the disaggregated results of staff performance evaluations by teacher identification numbers to the department:

(1) after completing the presentations required under subsection (a) for all schools for the school corporation; and

(2) before November 15 of that year.

Before November 15 of each year, each charter school (including a virtual charter school) shall provide the disaggregated results of staff performance evaluations by teacher identification numbers to the department.

(c) Before August 1 of each year, each charter school and school corporation shall provide to the department:

(1) the name of the teacher preparation program that recommended the initial license for each teacher employed by the school; and

(2) the annual retention rate for teachers employed by the school.

(d) Not before the beginning of the second semester (or the equivalent) of the school year and not later than August 1 of each year, the principal at each school described in subsection (b) shall complete a survey that provides information regarding the principal's assessment of the quality of instruction by each particular teacher preparation program located in Indiana for teachers employed at the school who initially received their teaching license in Indiana in the previous two (2) years. The survey shall be adopted by the state board and prescribed on a form developed not later than July 30, 2016, by the department that is aligned with the matrix system established under IC 20-28-3-1(i). The school shall provide the surveys to the department along with the information provided in subsection (c). The department shall compile the information contained in the surveys, broken down by each teacher preparation program located in Indiana. The department shall include information relevant to a particular teacher preparation program located in Indiana in the department's report under subsection (g).

(e) During the second semester (or the equivalent) of the school year and not later than August 1 of each year, each teacher employed by a school described in subsection (b) in Indiana who initially received a teacher's license in Indiana in the previous three (3) years shall complete a form after the teacher completes the teacher's initial year teaching at a particular school. The information reported on the form must:

(1) provide the year in which the teacher was hired by the school;

(2) include the name of the teacher preparation program that recommended the teacher for an initial license;

(3) describe subjects taught by the teacher;

(4) provide the location of different teaching positions held by the teacher since the teacher initially obtained an Indiana teaching license;

(5) provide a description of any mentoring the teacher has received while teaching in the teacher's current teaching position;

(6) describe the teacher's current licensure status; and

(7) include an assessment by the teacher of the quality of instruction of the teacher preparation program in which the teacher participated.

The form shall be prescribed by the department. The forms shall be submitted to the department with the information provided in subsection (c). Upon receipt of the information provided in this subsection, the department shall compile the information contained in the forms and include an aggregated summary of the report on the department's Internet web site.

(f) Before December 15 of each year, the department shall report the results of staff performance evaluations in the aggregate to the state board, and to the public via the department's Internet web site for:

(1) the aggregate of certificated employees of each school and school corporation;

(2) the aggregate of graduates of each teacher preparation program in Indiana;

(3) for each school described in subsection (b), the annual rate of retention for certificated employees for each school within the charter school or school corporation; and

(4) the aggregate results of staff performance evaluations for each category described in section ~~4(c)(4)~~ **(4)(c)(3)** of this chapter. In addition to the aggregate results, the results must be broken down:

(A) by the content area of the initial teacher license received by teachers upon completion of a particular teacher preparation program; or

(B) as otherwise requested by a teacher preparation program, as approved by the state board.

(g) Beginning November 1, 2016, and before September 1 of each year thereafter, the department shall report to each teacher preparation program in Indiana for teachers with three (3) or fewer years of teaching experience:

(1) information from the surveys relevant to that particular teacher education program provided to the department under subsection (d);

(2) information from the forms relevant to that particular teacher preparation program compiled by the department under subsection

(e); and

(3) the results from the most recent school year for which data are available of staff performance evaluations for each category described in section ~~4(c)(4)~~ **4(c)(3)** of this chapter with three (3) or fewer years of teaching experience for that particular teacher preparation program. The report to the teacher preparation program under this subdivision shall be in the aggregate form and shall be broken down by the teacher preparation program that recommended an initial teaching license for the teacher.

SECTION 4. [EFFECTIVE UPON PASSAGE] **(a) The definitions used in IC 20 apply throughout this SECTION.**

(b) The state board may adopt emergency rules under IC 4-22-2-37.1, to amend 511 IAC 10-6-4 limited to changes made to IC 20-28-11.5-4, as amended by this act.

(c) An emergency rule established in subsection (b) expires the earlier of:

(1) the date 511 IAC 10-6-4 is amended to conform to changes made to IC 20-28-11.5-4, as amended by this act; or

(2) July 1, 2021.

(d) This SECTION expires December 31, 2021.

SECTION 5. **An emergency is declared for this act.**

P.L.151-2020
[H.1022. Approved March 21, 2020.]

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

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

SECTION 1. IC 35-31.5-2-132.7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 132.7. "Financial transaction", for purposes of IC 35-45-17, has the meaning set forth in IC 35-45-17-0.5.**

SECTION 2. IC 35-31.5-2-257.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 257.5. "Public monument", for purposes of IC 35-45-17, has the meaning set forth in IC 35-45-17-1.5.**

SECTION 3. IC 35-45-17-0.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 0.5. As used in this chapter, "financial transaction" means any exchange of currency by cash, note, or credit card or through a wireless portal that is received by:**

(1) a business;

(2) a parking meter or parking pay station on a street or another public place;

(3) a public parking garage or parking lot pay station;

(4) a facility or pay station operated by a public transportation authority; or

(5) a restaurant or the service area of an outdoor seating establishment.

SECTION 4. IC 35-45-17-1.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 1.5. As used in this chapter, "public monument" means a building, structure, or site that is of historical importance or interest that is preserved as public property.**

SECTION 5. IC 35-45-17-2, AS ADDED BY P.L.140-2005, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 2. A person who knowingly or intentionally does any of the following commits panhandling, a Class C misdemeanor:

~~(1) Panhandling after sunset and before sunrise.~~

~~(2)~~ **(1)** Panhandling when the individual being solicited is:

(A) at a bus stop;

(B) in a:

(i) vehicle; or

(ii) facility;

used for public transportation;

(C) in a motor vehicle that is parked or stopped on a public street or alley, unless the person soliciting the individual has the approval to do so by a unit of local government that has jurisdiction over the public street or alley;

(D) in the sidewalk dining area of a restaurant; ~~or~~

(E) within ~~twenty (20)~~ **fifty (50)** feet of:

(i) an automated teller machine; ~~or~~

(ii) the entrance **or exit** to a bank, **business, or restaurant; or**

(iii) the location where a financial transaction occurs; or

(F) within fifty (50) feet of a public monument.

~~(3)~~ **(2)** Panhandling while touching the individual being solicited without the solicited individual's consent.

~~(4)~~ **(3)** Panhandling while the individual being solicited is standing in line and waiting to be admitted to a commercial establishment.

~~(5)~~ **(4)** Panhandling while blocking:

(A) the path of the individual being solicited; or

(B) the entrance to a building or motor vehicle.

~~(6)~~ **(5)** Panhandling while using profane or abusive language:

(A) during a solicitation; or

(B) after the individual being solicited has declined to donate money or something else of value.

~~(7)~~ **(6)** Panhandling while making a statement, a gesture, or another communication to the individual being solicited that would cause a reasonable individual to:

(A) fear for the individual's safety; or

(B) feel compelled to donate.

~~(8)~~ **(7)** Panhandling with at least one (1) other individual.

~~(9)~~ **(8)** Panhandling and then following or accompanying the solicited individual without the solicited individual's consent after the solicited individual has declined to donate money or something else of value.

P.L.152-2020
[H.1049. Approved March 21, 2020.]

AN ACT to amend the Indiana Code concerning business and other associations.

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

SECTION 1. IC 23-2-2.5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 3. Sections 9 through ~~25~~ **24** of this chapter do not apply to the offer or sale of a franchise if the franchisor either sells no more than one (1) franchise **in Indiana** in any twenty-four (24) month period or the franchisor:

~~(a)~~ **(1)** has a net worth:

~~(1)~~ **(A)** on a consolidated basis according to current financial statements certified by independent certified public accountants, of not less than five million dollars ($5,000,000); or

~~(2)~~ **(B)** according to current financial statements certified by independent certified public accountants of not less than one million dollars ($1,000,000) and is at least eighty percent (80%) owned by a corporation which has a net worth on a consolidated basis, according to current financial statements certified by independent certified public accountants, of not less than five million dollars ($5,000,000);

~~(b)~~ **(2)** has:

~~(1)~~ **(A)** had at least twenty-five (25) franchisees conducting business at all times during the five (5) year period immediately preceding the offer or sale; or

~~(2)~~ **(B)** conducted the business which is the subject of the franchise continuously for not less than five (5) years preceding the offer or sale;

or if any corporation which owns at least eighty percent (80%) of the franchisor has had at least twenty-five (25) franchisees conducting business at all times during the five (5) year period immediately preceding the offer or sale, or such corporation has conducted the business which is the subject of the franchise continuously for not less than five (5) years preceding the offer or sale; and

~~(c)~~ **(3)** discloses in writing to each prospective franchisee, at least ten (10) days prior to the execution by the prospective franchisee of a binding franchise or other agreement, or at least ten (10) days prior to the receipt of any consideration, whichever first occurs, the following information:

~~(1)~~ **(A)** The name of the franchisor, the name under which the franchisor is doing or intends to do business, and the name of any affiliate that will engage in business transactions with franchisees.

~~(2)~~ **(B)** The franchisor's principal business address and the name and address of its agent in Indiana authorized to receive service of process.

~~(3)~~ **(C)** The business form of the franchisor and the jurisdiction under which it was organized.

~~(4)~~ **(D)** The business experience of the franchisor, including the length of time the franchisor:

(i) has conducted a business of the type to be operated by the franchisee;

(ii) has granted franchises for that business; and

(iii) has granted franchises in other lines of business.

~~(5)~~ **(E)** A copy of the franchise contract proposed for use or in use in Indiana.

~~(6)~~ **(F)** A statement of the franchise fee charged, the proposed application of the proceeds of such fee by the franchisor, and the formula by which the amount of the fee is determined if the fee is not the same in all cases.

~~(7)~~ **(G)** A statement describing any payments other than franchise fees that the franchisee is required to pay to the franchisor or affiliated persons, including royalties or payments which the franchisor or affiliated persons collect in whole or in part on behalf of a third party or parties.

~~(8)~~ **(H)** A statement of the conditions under which the franchise may be terminated, renewal refused, or repurchased.

~~(9)~~ **(I)** A statement as to whether the franchisee is required to purchase from the franchisor or affiliates or their designee services, supplies, products, fixtures, or other goods relating to the establishment or operation of the franchised business, together with a description thereof.

~~(10)~~ **(J)** A statement as to whether the franchisee is limited in the goods or services offered by ~~him~~ **the franchisee** to ~~his~~ **the franchisee's** customers.

~~(11)~~ **(K)** A statement of the terms and conditions of any financing agreements.

~~(12)~~ **(L)** A statement of any past or present practice or of any intent of the franchisor to transfer to a third party any note, contract, or other obligation of the franchisee in whole or in part.

~~(13)~~ **(M)** If any financial statement concerning estimated profits or earnings is used, the data upon which the estimate is based.

~~(14)~~ **(N)** A statement as to whether the franchisee will receive an exclusive area or territory.

SECTION 2. IC 23-2-2.5-10.5 IS AMENDED TO READ AS

FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 10.5. (a) A person who wants to offer for sale a franchise in Indiana and who is not exempt under sections 3 through 5 of this chapter shall register the franchise by notification to the commissioner on a notification form prescribed by the commissioner. The notification shall include the following:

(1) The name of the franchisor.

(2) The name or names under which the franchisor intends to do business.

(3) The franchisor's principal business address.

(b) The following items shall be filed with the notification:

(1) One (1) copy of the disclosure statement required under section 13 of this chapter.

(2) The consent to service of process required under section 24 of this chapter, unless consent has previously been filed by the person.

(3) The registration fee required under section 43 of this chapter.

(c) A franchisor may register only one (1) franchise for each notification.

(d) The registration of a franchise under this section is effective upon the commissioner's receipt of the notification. The notification is effective for one (1) year from the date of the commissioner's receipt of the notification.

(e) **Except as provided in section 13.1 of this chapter,** during the one (1) year registration period, a person is not required to file with the commissioner any supplemental information, including any amendments to the disclosure statement, unless the commissioner, acting under the commissioner's authority to suspend or revoke a registration under section 14 of this chapter, requests the information.

SECTION 3. IC 23-2-2.5-13.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 13.1. (a) Subject to subsection (b), a person that has a registration in effect under this chapter shall, not later than thirty (30) days after the occurrence of any material change in the information set forth in the person's disclosure statement under section 13 of this chapter, notify the commissioner of the change by filing an amended copy of the disclosure statement.**

(b) A "material change" requiring notification to the commissioner under subsection (a) includes the following:

(1) The occurrence of any of the following within any three (3) month period:

(A) The termination, closing, or failure to renew the franchise of either:

(i) ten percent (10%) of all franchises of the franchisor, regardless of the location of the franchises; or

(ii) ten percent (10%) of the franchisor's franchises that are located in Indiana.

(B) The purchase by the franchisor of either:

(i) ten percent (10%) of the franchisor's existing franchises, regardless of the location of the franchises; or

(ii) ten percent (10%) of the franchisor's existing franchises that are located in Indiana.

(2) Any:

(A) change in control, corporate name, or state of incorporation; or

(B) reorganization;

of the franchisor.

(3) Either of the following:

(A) The introduction of any new product, service, model, or line involving, directly or indirectly, an additional investment by franchisees that exceeds twenty percent (20%) of the average investment made by all franchisees immediately before the introduction of the new product, service, model, or line.

(B) The discontinuation or modification of the marketing plan or marketing system of any product or service of the franchisor if the average total sales attributable to the product or service exceed twenty percent (20%) of the average annual gross sales of existing franchisees immediately before the discontinuation or modification of the marketing plan or marketing system.

(4) Any change in the franchise fees charged by the franchisor.

(5) Any significant change in:

(A) the obligations of a franchisee to purchase items from the franchisor or the franchisor's designated sources;

(B) the limitations or restrictions on goods or services that a franchisee may offer to a customer;

(C) the obligations to be performed by the franchisor or a franchisee; or

(D) the franchise contract or agreement, including any amendments to the franchise contract or agreement.

(6) Any other change designated as material by the commissioner by rule adopted or order issued under this chapter.

SECTION 4. IC 23-2-2.5-18, AS AMENDED BY P.L.48-2006, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 18. A registration by notification may be renewed by submitting to the commissioner a registration renewal form not later than the date the registration is due to expire. ~~If no stop order or other order under section 14 of this chapter is in effect,~~ Registration of the offer is renewed at the time the registration would have expired **unless the franchisor requests an earlier renewal date.** A renewal is effective for a period of one (1) year unless the commissioner ~~specified~~ **specifies** a shorter period.

SECTION 5. IC 23-2-2.5-43, AS AMENDED BY P.L.27-2007, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 43. (a) All fees and funds of whatever character accruing from the administration of this chapter shall be:

(1) accounted for by the secretary of state;

(2) paid into the state treasury monthly; and

(3) placed in the same account of the state general fund as established by IC 23-19-6-1(f), from which all compensation and expenses shall be paid for the administration of this chapter.

(b) The fee for filing a form for registration by notification of the sale of franchises under section 10.5 of this chapter is five hundred dollars ($500).

(c) The fee for filing a registration renewal form under section 18 of this chapter is two hundred fifty dollars ($250).

(d) ~~When~~ **If** a registration notification form or registration renewal

form is denied or withdrawn, the commissioner shall retain ~~one hundred fifty dollars ($150)~~ **the amount** of the fee **submitted under subsection (b) or (c), as applicable.**

SECTION 6. IC 23-2-4-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 11. In lieu of establishing an escrow account under section 10 of this chapter, a provider may, with the commissioner's permission, post a letter of credit from a financial institution, negotiable securities, or a bond by a surety authorized to do business in Indiana. The letter of credit, negotiable securities, or bond must be:

(1) approved by the commissioner as to form;

(2) for an amount ~~not to exceed the total amount of all entrance fees received by the provider before the date the resident is permitted to occupy the living unit;~~ **that is at least equal to the maximum amount of entrance fees reasonably anticipated by the provider to otherwise be subject to the escrow requirements set forth in section 10 of this chapter;** and

(3) executed in favor of the commissioner on behalf of individuals who may be found entitled to a refund of entrance fees.

SECTION 7. IC 23-19-1-0.2, AS ADDED BY P.L.220-2011, SECTION 384, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 0.2. (a) The predecessor act exclusively governs all actions or proceedings that are pending on June 30, 2008, or may be instituted on the basis of conduct occurring before July 1, 2008, but a civil action may not be maintained to enforce any liability under the predecessor act unless instituted within any period of limitation that applied when the cause of action accrued or within five (5) years after June 30, 2008, whichever is earlier.

(b) All effective registrations under the predecessor act and all administrative orders relating to the registrations, rules, statements of policy, ~~interpretative~~ **interpretive** opinions, declaratory rulings, no-action determinations, and conditions imposed on the registrations under the predecessor act remain in effect while they would have remained in effect if this article had not been enacted, and are considered to have been filed, issued, or imposed under this article, but are exclusively governed by the predecessor act.

(c) The predecessor act exclusively applies to an offer or sale made

within one (1) year after June 30, 2008, under an offering made in good faith before July 1, 2008, on the basis of an exemption available under the predecessor act.

SECTION 8. IC 23-19-6-5, AS AMENDED BY P.L.3-2008, SECTION 172, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 5. (a) The commissioner may:

(1) issue forms and orders and, after notice and comment, may adopt and amend rules necessary or appropriate to carry out this article and may repeal rules, including rules and forms governing registration statements, applications, notice filings, reports, and other records;

(2) by rule, define terms, whether or not used in this article, but those definitions may not be inconsistent with this article; and

(3) by rule, classify securities, persons, and transactions and adopt different requirements for different classes.

(b) Under this article, a rule or form may not be adopted or amended, or an order issued or amended, unless the commissioner finds that the rule, form, order, or amendment is necessary or appropriate in the public interest or for the protection of investors and is consistent with the purposes intended by this article.

(c) Subject to Section 15(h) of the Securities Exchange Act of 1938 (15 U.S.C. 78o(h)) and Section 222 of the Investment Advisers Act of 1940 (15 U.S.C. 80b-18a), the commissioner may require that a financial statement filed under this article be prepared in accordance with generally accepted accounting principles in the United States and comply with other requirements specified by rule adopted or order issued under this article. A rule adopted or order issued under this article may establish:

(1) subject to Section 15(h) of the Securities Exchange Act of 1934 (15 U.S.C. 78o(h)) and Section 222 of the Investment Advisers Act of 1940 (15 U.S.C. 80b-18a), the form and content of financial statements required under this article;

(2) whether unconsolidated financial statements must be filed; and

(3) whether required financial statements must be audited by an independent certified public accountant.

(d) The commissioner may provide ~~interpretative~~ **interpretive** opinions or issue determinations that the commissioner will not institute

a proceeding or an action under this article against a specified person for engaging in a specified act, practice, or course of business if the determination is consistent with this article. The commissioner shall charge a fee of one hundred dollars ($100) for an ~~interpretative~~ **interpretive** opinion or determination.

(e) A penalty under this article may not be imposed for, and liability does not arise from, conduct that is engaged in or omitted in good faith and reasonably believed to be conforming to a rule, form, or order of the commissioner under this article.

(f) A hearing in an administrative proceeding under this article must be conducted in public unless the commissioner finds a statutory basis that would allow the hearing to be closed to the public.

SECTION 9. IC 23-19-6-6, AS ADDED BY P.L.27-2007, SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 6. (a) The commissioner shall maintain, or designate a person to maintain, a register of applications for registration of securities; registration statements; notice filings; applications for registration of broker-dealers, agents, investment advisers, and investment adviser representatives; notice filings by federal covered investment advisers that are or have been effective under this article or the predecessor act; notices of claims of exemption from registration or notice filing requirements contained in a record; orders issued under this article or the predecessor act; and ~~interpretative~~ **interpretive** opinions or no-action determinations issued under this article.

(b) The commissioner shall make all rules, forms, ~~interpretative~~ **interpretive** opinions, and orders available to the public.

(c) The commissioner shall furnish a copy of a record that is a public record, or a certification that the public record does not exist, to a person that so requests. A rule adopted under this article may establish a reasonable charge for furnishing the record or certification. A copy of the record certified or a certificate by the commissioner of a record's nonexistence is prima facie evidence of a record or its nonexistence.

SECTION 10. IC 23-19-6-8, AS ADDED BY P.L.27-2007, SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 8. (a) The commissioner shall, in its discretion, cooperate, coordinate, consult, and, subject to section 7 of

this chapter, share records and information with the securities regulator of another state, Canada, a Canadian province or territory, a foreign jurisdiction, the Securities and Exchange Commission, the United States Department of Justice, the Commodity Futures Trading Commission, the Federal Trade Commission, the Securities Investor Protection Corporation, a self-regulatory organization, a national or international organization of securities regulators, a federal or state banking and insurance regulator, or a governmental law enforcement agency to effectuate greater uniformity in securities matters among the federal government, self-regulatory organizations, states, and foreign governments.

(b) In cooperating, coordinating, consulting, and sharing records and information under this section and in acting by rule, order, or waiver under this article, the commissioner shall, in its discretion, take into consideration in carrying out the public interest the following general policies:

(1) Maximizing effectiveness of regulation for the protection of investors.

(2) Maximizing uniformity in federal and state regulatory standards.

(3) Minimizing burdens on the business of capital formation, without adversely affecting essentials of investor protection.

(c) The cooperation, coordination, consultation, and sharing of records and information authorized by this section includes:

(1) establishing or employing one (1) or more designees as a central depository for registration and notice filings under this article and for records required or allowed to be maintained under this article;

(2) developing and maintaining uniform forms;

(3) conducting a joint examination or investigation;

(4) holding a joint administrative hearing;

(5) instituting and prosecuting a joint civil or administrative proceeding;

(6) sharing and exchanging personnel;

(7) coordinating registrations under IC 23-19-3 and IC 23-19-4-1 through IC 23-19-4-4 and exemptions under IC 23-19-2-3;

(8) sharing and exchanging records, subject to section 7 of this

chapter;

(9) formulating rules, statements of policy, guidelines, forms, and ~~interpretative~~ **interpretive** opinions and releases;

(10) formulating common systems and procedures;

(11) notifying the public of proposed rules, forms, statements of policy, and guidelines;

(12) attending conferences and other meetings among securities regulators, which may include representatives of governmental and private sector organizations involved in capital formation, considered necessary or appropriate to promote or achieve uniformity; and

(13) developing and maintaining a uniform exemption from registration for small issuers, and taking other steps to reduce the burden of raising investment capital by small businesses.

SECTION 11. IC 25-11-1-3, AS AMENDED BY P.L.136-2018, SECTION 141, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 3. **(a) As used in this section, "Nationwide Multistate Licensing System" refers to a multistate licensing system owned and operated by the State Regulatory Registry, LLC, or by a successor or an affiliated entity, for the licensing and registration of:**

(1) creditors;

(2) mortgage loan originators;

(3) other financial services entities; and

(4) employees and agents of the persons described in subdivisions (1) through (3).

The term includes "NMLS" and any other name or acronym that may be assigned to the system by the State Regulatory Registry, LLC, or by a successor or an affiliated entity of the State Regulatory Registry, LLC.

~~(a)~~ **(b)** Any person desiring to conduct a collection agency shall make an application to the secretary of state upon such forms as may be prescribed by the secretary of state. Such application shall include the following:

(1) If the applicant is an individual:

(A) the individual's name;

(B) the individual's residence address;

(C) the address of each location from which the individual carries out the activities of the collection agency; and

(D) a statement that the individual satisfies the qualifications set forth in section 4 of this chapter.

(2) If the applicant is a partnership:

(A) the name of each partner;

(B) the business address of the partnership;

(C) the residence address of at least one (1) of the partners;

(D) the address of each location from which the partnership carries out the activities of the collection agency; and

(E) a statement that each partner in the partnership satisfies the qualifications set forth in section 4 of this chapter.

(3) If the applicant is a limited liability company:

(A) the date and place of organization;

(B) the name of the limited liability company;

(C) the business address of the limited liability company;

(D) the residence address of at least one (1) of the managers or members of the limited liability company; and

(E) a statement that each of the managers and members in the limited liability company satisfies the qualifications set forth in section 4 of this chapter.

(4) If the applicant is a corporation:

(A) the date and place of incorporation;

(B) the name of the corporation;

(C) the business address of the corporation;

(D) the residence address of at least one (1) of the officers of the corporation; and

(E) a statement that each of the officers of the corporation satisfies the qualifications set forth in section 4 of this chapter.

The application shall be duly sworn to before an officer qualified to administer oaths. The application shall set forth in the application any other verified information which will assist the secretary of state in determining the qualifications of the applicant to meet the requirements of a collection agency as set forth in this chapter.

~~(b)~~ **(c)** Every original and renewal application of any person desiring to conduct a collection agency shall be accompanied by a fee of one hundred dollars ($100) plus an additional fee of thirty dollars ($30) for

each branch office operated by the applicant whether as sole owner, partnership, limited liability company, or corporation.

~~(c)~~ **(d)** Any person desiring to secure a renewal of a collection agency license shall make a renewal application to the secretary of state not later than January 1 of the year following the year in which the person's license expires under section 5 of this chapter. The application shall be made on such forms as the secretary of state may prescribe. Such application shall contain in the application verified information that will assist the secretary of state in determining whether or not the applicant is in default, or is in violation of any of the provisions of this chapter, and whether or not the applicant has at all times complied with the requirements of this chapter in the operation of the applicant's collection agency.

~~(d)~~ **(e)** Each renewal application shall be accompanied by the renewal fee and an additional fee of thirty dollars ($30) for each branch office maintained and operated by the applicant.

~~(e)~~ **(f)** ~~Every~~ **An** original ~~and~~ **application or a** renewal application ~~shall~~ **under this section must** be accompanied by the following:

(1) ~~A~~ **An electronic** corporate surety bond **that is:**

(A) filed by the applicant collection agency; and

(B) satisfactory to the commissioner;

in ~~the~~ **an amount calculated to equal the** sum of five thousand dollars ($5,000) for each office the applicant operates in ~~the state of~~ Indiana. ~~All bonds shall~~ **A collection agency's bond must** run to the people of ~~the state of~~ Indiana and ~~shall~~ **must** be furnished by a surety company authorized to do business in ~~this state. All bonds shall~~ **Indiana. A collection agency's bond must** be conditioned upon the faithful accounting of all money collected upon accounts entrusted to ~~such person~~ **the collection agency** and ~~shall~~ **must** be continuous in form and ~~shall~~ remain in full force and effect and run continuously with the license period and any renewal ~~thereof. All bonds shall~~ **period. A collection agency's bond must** further be conditioned upon the provision that the applicant shall, ~~within~~ **not later than** sixty (60) days from the date of the collection of any claim, render an account of and pay to the client, for whom collection has been made, the proceeds of such collection less the charges for collection agreed upon by and between the applicant

and the client. ~~All bonds~~ **A collection agency's bond** shall be filed ~~in the office of the secretary of state and shall be approved by the secretary of state before being filed. All bonds~~ **through the NMLS. A collection agency's bond that is** filed **through the NMLS** and approved ~~shall be~~ **by the secretary of state is** for the use and benefit of all persons damaged by the wrongful conversion of any money by ~~such person,~~ **the collection agency,** and any individual so injured or aggrieved may bring an action upon ~~such~~ **the** bond. The surety company may notify the secretary of state and principal of its desire to terminate its liability under any bond furnished. ~~Thirty (30) days after~~ **Upon** receipt of such notice by the secretary of state, the secretary of state shall ~~thereupon~~ require the principal to file a new bond or discontinue all operations **not later than the date that is thirty (30) days after the secretary of state's receipt of the notice.** If a new bond is filed by the principal, all liability under any previous bond ~~shall thereupon cease and terminate.~~ **ceases and terminates.** If a new bond ~~shall~~ **is** not ~~be~~ filed within the thirty (30) day period ~~above specified~~ **described in this subdivision,** the secretary of state shall, after expiration of the period, revoke the principal's license.

(2) Any applicant who is a nonresident of ~~the state of~~ Indiana shall also submit a statement appointing an agent or attorney resident ~~herein,~~ upon whom all legal process against the applicant may be served. The statement ~~shall~~ **must** contain a stipulation that the applicant agrees that service of legal process upon such agent or attorney ~~shall be~~ **constitutes** valid service upon the applicant.

~~(f)~~ **(g)** Subject to subsection ~~(g),~~ **(h),** the secretary of state may designate ~~a~~ **the NMLS or another** multistate automated licensing system and repository, established and operated by a third party, to serve as the sole entity responsible for:

(1) processing applications for:

(A) licenses under this chapter; and

(B) renewals of licenses under this chapter; and

(2) performing other services that the secretary of state determines are necessary for the orderly administration of the secretary of state's licensing system under this chapter.

The secretary of state may take any action necessary to participate in ~~a~~

the NMLS or another multistate automated licensing system and repository.

~~(g)~~ **(h)** The secretary of state's authority to designate ~~a~~ **the NMLS or another** multistate automated licensing system and repository under subsection ~~(f)~~ **(g)** is subject to the following:

(1) The secretary of state may not require any person that is not required to be licensed under this chapter, or any employee or agent of a person that is not required to be licensed under this chapter, to:

(A) submit information to; or

(B) participate in;

the **NMLS or another** multistate automated licensing system and repository.

(2) The secretary of state may require a person required under this chapter to submit information to the **NMLS or another** multistate automated licensing system and repository to pay a processing fee considered reasonable by the secretary of state.

SECTION 12. IC 25-11-1-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 4. The following qualifications apply to all individual applicants and any individual who is an officer of any corporation or a member of any partnership, limited liability company, or firm and actively manages the collection of or solicits accounts for collection for any firm, partnership, limited liability company, or corporation which makes an application for a collection agency license:

(1) The applicant must be a citizen of the United States, of good moral character, and not less than eighteen (18) years of age.

(2) The applicant must not have a record as a defaulter in the payment of money collected or received for another.

(3) The applicant must not be a former licensee under this chapter whose license has been suspended or revoked and not subsequently reinstated under this chapter.

(4) The applicant must not have made a false statement of material fact in the application for the license.

(5) The applicant must not have been, within the ten (10) years immediately preceding the date of the application:

(A) the subject of an adjudication or a determination by:

(i) a court with jurisdiction; or

(ii) an agency or administrator that regulates debt collection, securities, commodities, banking, financial services, insurance, real estate, or the real estate appraisal industry;

in Indiana or any other jurisdiction; and

(B) found, after notice and opportunity for hearing, to have violated the debt collection, securities, commodities, banking, financial services, insurance, real estate, or real estate appraisal laws of Indiana or any other jurisdiction in a manner that substantially undermines faith in the financial responsibility, character, reputation, integrity, and general fitness of the applicant or of the owners, partners, and members of the applicant, as determined by the commissioner.

(6) The applicant must not have violated:

(A) this article or rules promulgated under this article;

(B) any similar regulatory regime of another jurisdiction; or

(C) any other law applicable to the conduct of the collection agency business;

in a manner that substantially undermines faith in the financial responsibility, character, reputation, integrity, and general fitness of the applicant or of the owners, partners, and members of the applicant, as determined by the commissioner.

An applicant to whom a license is to be issued must meet the bonding requirements of section ~~3(c)~~ **3(f)** of this chapter.

SECTION 13. IC 25-11-1-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 8. The secretary of state shall **issue forms and orders and** adopt and enforce such rules and regulations, not in conflict with the provisions of this chapter, as are advisable or necessary to carry out the provisions of this chapter. All money collected under the provisions of this chapter shall be deposited by the treasurer of state into the general fund of the state.

P.L.153-2020
[H.1052. Approved March 21, 2020.]

AN ACT to amend the Indiana Code concerning taxation.

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

SECTION 1. IC 6-3.6-7-18, AS ADDED BY P.L.243-2015, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 18. (a) This section applies only to Pulaski County.

(b) For calendar years beginning before January 1, 2021, the county fiscal body may impose a tax on the adjusted gross income of local taxpayers at a tax rate that does not exceed three-tenths percent (0.3%). **A tax imposed under this subsection expires December 31, 2020.**

(c) For calendar years beginning after December 31, 2020, and before January 1, 2036, the county fiscal body may impose a tax on the adjusted gross income of local taxpayers at a tax rate that does not exceed three-tenths percent (0.3%). A tax imposed under this subsection expires December 31, 2035.

~~(c)~~ **(d) This subsection applies in the 2020 calendar year.** Revenue from a tax imposed under this section may be used only for the purposes of paying the costs of operating and maintaining a jail and justice center.

(e) For calendar years beginning after December 31, 2020, revenue from a calendar year under this section may be used only for the purposes of paying costs of renovating a courthouse or a justice center.

P.L.154-2020
[H.1065. Approved March 21, 2020.]

AN ACT to amend the Indiana Code concerning taxation.

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

SECTION 1. IC 6-1.1-1-8.4, AS AMENDED BY P.L.235-2017, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2014 (RETROACTIVE)]: Sec. 8.4. (a) "Inventory" means:

(1) materials held for processing or for use in production;

(2) finished or partially finished goods of a manufacturer or processor; ~~and~~

(3) property held for sale in the ordinary course of trade or business; **and**

(4) uniforms, garments, linens, and facilities services supplies owned, held, possessed, or controlled for the purpose of rental or lease in the ordinary course of trade or business.

(b) The term includes:

(1) items that qualify as inventory under 50 IAC 4.2-5-1 (as effective December 31, 2008); and

(2) subject to subsection (c), a mobile home or manufactured home that:

(A) does not qualify as real property;

(B) is located in a mobile home community;

(C) is unoccupied; and

(D) is owned and held for sale or lease by the owner of the mobile home community.

(c) Subsection (b)(2) applies regardless of whether the mobile home that is held for sale or lease is new or was previously owned.

SECTION 2. IC 6-1.1-4-12, AS AMENDED BY P.L.257-2019, SECTION 13, IS AMENDED TO READ AS FOLLOWS

[EFFECTIVE UPON PASSAGE]: Sec. 12. (a) As used in this section, "land developer" means a person that holds land for sale in the ordinary course of the person's trade or business. The term includes a financial institution (as defined in IC 28-1-1-3(1)) if the financial institution's land in inventory is purchased, acquired, or held for one (1) or more of the purposes established under IC 28-1-11-5(a)(2), IC 28-1-11-5(a)(3), and IC 28-1-11-5(a)(4). **The determination of whether a person qualifies as a land developer shall be based upon whether such person satisfies the requirements contained in this subsection, and no consideration shall be given to either the person's industry classification, such as classification as a developer or builder, or any other activities undertaken by the person in addition to holding land for sale in the ordinary course of the person's trade or business.**

(b) As used in this section, "land in inventory" means:

(1) a lot; or

(2) a tract that has not been subdivided into lots;

to which a land developer holds title in the ordinary course of the land developer's trade or business.

(c) As used in this section, "title" refers to legal or equitable title, including the interest of a contract purchaser.

(d) For purposes of this section, land purchased, acquired, or held by a financial institution for one (1) or more of the purposes established under IC 28-1-11-5(a)(2), IC 28-1-11-5(a)(3), and IC 28-1-11-5(a)(4) is considered held for sale in the ordinary course of the financial institution's trade or business.

(e) Except as provided in subsections (i), (j), and (k), if:

(1) land assessed on an acreage basis is subdivided into lots; or

(2) land is rezoned for, or put to, a different use;

the land shall be reassessed on the basis of its new classification.

(f) If improvements are added to real property, the improvements shall be assessed.

(g) An assessment or reassessment made under this section is effective on the next assessment date.

(h) No petition to the department of local government finance is necessary with respect to an assessment or reassessment made under this section.

(i) Except as provided in subsection (k) and subject to subsection (j), land in inventory may not be reassessed until the next assessment date following the earliest of:

(1) the date on which title to the land is transferred by:

(A) the land developer; or

(B) a successor land developer that acquires title to the land;

to a person that is not a land developer;

(2) the date on which construction of a structure begins on the land; or

(3) the date on which a building permit is issued for construction of a building or structure on the land.

(j) Subsection (i) applies regardless of whether the land in inventory is rezoned while a land developer holds title to the land.

(k) This subsection applies to land in inventory that a for-profit land developer acquires from a:

(1) school corporation; or

(2) local unit of government (as defined in IC 14-22-31.5-1), but only if the local unit of government:

(A) acquired the land in a tax sale procedure under IC 6-1.1; or

(B) has held the land for not less than three (3) years prior to the date on which the for-profit land developer acquires it from the local unit of government.

Land in inventory to which this subsection applies shall be assessed on the first assessment date immediately following the date on which the land developer acquires title to the land in inventory. Notwithstanding section 13(a) of this chapter, land in inventory to which this subsection applies is considered to be devoted to agricultural use and shall be assessed at the agricultural land base rate. After the initial assessment under this subsection, land in inventory to which this subsection applies shall be reassessed in accordance with subsection (i).

SECTION 3. IC 6-1.1-9-10, AS ADDED BY P.L.154-2006, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2019 (RETROACTIVE)]: Sec. 10. (a) If in the course of a review of a taxpayer's personal property assessment under this chapter an assessing official or the assessing official's representative or contractor discovers an error indicating that the taxpayer has overreported a personal property assessment, the assessing official

shall:

(1) adjust the personal property assessment to correct the error; and

(2) process a refund or credit for any resulting overpayment.

(b) Application of subsection (a) is subject to the restrictions of IC 6-1.1-11-1.

(c) If a taxpayer believes that the taxpayer overreported a personal property assessment that is discovered in the course of a review of the taxpayer's personal property assessment under this chapter for which the assessing official fails to make an adjustment to correct the error under this section either in whole or in part, the taxpayer may:

(1) initiate an appeal of the assessment under IC 6-1.1-15-1.1 for a credit to offset any resulting overpayment against the taxpayer's current personal property tax liability; or

(2) file a claim for refund under IC 6-1.1-26-1.1 of personal property taxes paid with regard to any resulting overpayment.

SECTION 4. IC 6-1.1-15-3, AS AMENDED BY P.L.121-2019, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2019 (RETROACTIVE)]: Sec. 3. (a) A taxpayer may obtain a review by the Indiana board of:

(1) a county board's action with respect to a claim under section 1.1 of this chapter; **or**

(2) a denial by the county auditor, the county assessor, or the county treasurer of a claim for refund under IC 6-1.1-9-10(c)(2) that is appealed to the Indiana board as authorized in IC 6-1.1-26-2.1(d)(2).

(b) The county assessor is the party to ~~the~~ **a** review under ~~this section~~ **subsection (a)(1)** to defend the determination of the county board. The county auditor may appear as an additional party to the review if the determination concerns a matter that is in the discretion of the county auditor. At the time the notice of that determination is given to the taxpayer, the taxpayer shall also be informed in writing of:

(1) the taxpayer's opportunity for review under ~~this section;~~ **subsection (a)(1);** and

(2) the procedures the taxpayer must follow in order to obtain

review under this section.

(c) A county assessor who dissents from the determination of the county board may obtain a review by the Indiana board. A county auditor who dissents from the determination of the county board concerning a matter that is in the discretion of the county auditor may obtain a review by the Indiana board.

(d) In order to obtain a review by the Indiana board under ~~this section,~~ **subsection (a)(1),** the party must, not later than forty-five (45) days after the date of the notice given to the party or parties of the determination of the county board:

(1) file a petition for review with the Indiana board; and

(2) mail a copy of the petition to the other party.

(e) The Indiana board shall prescribe the form of the petition for review under this chapter. The Indiana board shall issue instructions for completion of the form. The form and the instructions must be clear, simple, and understandable to the average individual. A petition for review of such a determination must be made on the form prescribed by the Indiana board. The form must require the petitioner to specify the reasons why the petitioner believes that the determination by the county board is erroneous.

(f) If the action for which a taxpayer seeks review under this section is the assessment of tangible property, the taxpayer is not required to have an appraisal of the property in order to do the following:

(1) Initiate the review.

(2) Prosecute the review.

(g) If an owner petitions the Indiana board under IC 6-1.1-11-7(d), the Indiana board is authorized to approve or disapprove an exemption application:

(1) previously submitted to a county board under IC 6-1.1-11-6; and

(2) that is not approved or disapproved by the county board within one hundred eighty (180) days after the owner filed the application for exemption under IC 6-1.1-11.

The county assessor is a party to a petition to the Indiana board under IC 6-1.1-11-7(d).

(h) This subsection applies only to the review by the Indiana board of a denial of a refund claim described in subsection (a)(2).

The county assessor is the party to a review under subsection (a)(2) to defend the denial of the refund under IC 6-1.1-26-2.1. In order to obtain a review by the Indiana board under subsection (a)(2), the taxpayer must, within forty-five (45) days of the notice of denial under IC 6-1.1-26-2.1(d):

(1) file a petition for review with the Indiana board; and

(2) mail a copy of the petition to the county auditor.

SECTION 5. IC 6-1.1-18-28 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 28. (a) The executive of a township may, upon approval by the township fiscal body, submit a petition to the department of local government finance for an increase in the township's maximum permissible ad valorem property tax levy for its township firefighting fund under IC 36-8-13-4 for property taxes first due and payable in 2021 or for any year thereafter for which a petition is submitted under this section.**

(b) If the township submits a petition as provided in subsection (a) before August 1, 2020, or April 1 of a year thereafter, the department of local government finance shall increase the township's maximum permissible ad valorem property tax levy for the township firefighting fund under IC 36-8-13-4 for property taxes first due and payable in the immediately succeeding year by using the following formula for purposes of subsection (c)(2):

STEP ONE: Determine the percentage increase in the population, as determined by the township fiscal body and as may be prescribed by the department of local government finance, that is within the fire protection and emergency services area of the township during the ten (10) year period immediately preceding the year in which the petition is submitted under subsection (a). The township fiscal body may use the most recently available population data issued by the Bureau of the Census during the ten (10) year period immediately preceding the petition.

STEP TWO: Determine the greater of zero (0) or the result of:

(A) the STEP ONE percentage; minus

(B) six percent (6%);

expressed as a decimal.

STEP THREE: Determine a rate that is the lesser of:

(A) fifteen-hundredths (0.15); or

(B) the STEP TWO result.

STEP FOUR: Reduce the STEP THREE rate by any rate increase in the township's property tax rate for its township firefighting fund within the immediately preceding ten (10) year period that was made based on a petition submitted by the township under this section.

(c) The township's maximum permissible ad valorem property tax levy for its township firefighting fund under IC 36-8-13-4 for property taxes first due and payable in a given year, as adjusted under this section, shall be calculated as:

(1) the amount of the ad valorem property tax levy increase for the township firefighting fund without regard to this section; plus

(2) an amount equal to the result of:

(A) the rate determined under the formula in subsection (b); multiplied by

(B) the net assessed value of the fire protection and emergency services area divided by one hundred (100).

The calculation under this subsection shall be used in the determination of the township's maximum permissible ad valorem property tax levy under IC 36-8-13-4 for property taxes first due and payable in the first year of the increase and thereafter.

SECTION 6. IC 6-1.1-18-29 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 29. (a) The board of trustees of a fire protection district may, upon approval by the county legislative body, submit a petition to the department of local government finance for an increase in the fire protection district's maximum permissible ad valorem property tax levy for property taxes first due and payable in 2021 or for any year thereafter for which a petition is submitted under this section.**

(b) If a petition is submitted as provided in subsection (a) before August 1, 2020, or April 1 of a year thereafter, the department of

local government finance shall increase the fire protection district's maximum permissible ad valorem property tax levy for property taxes first due and payable in the immediately succeeding year by using the following formula for purposes of subsection (c)(2):

STEP ONE: Determine the percentage increase in the population, as determined by the county legislative body and as may be prescribed by the department of local government finance, that is within the fire protection district area during the ten (10) year period immediately preceding the year in which the petition is submitted under subsection (a). The county legislative body may use the most recently available population data issued by the Bureau of the Census during the ten (10) year period immediately preceding the petition.

STEP TWO: Determine the greater of zero (0) or the result of:

(A) the STEP ONE percentage; minus

(B) six percent (6%);

expressed as a decimal.

STEP THREE: Determine a rate that is the lesser of:

(A) fifteen-hundredths (0.15); or

(B) the STEP TWO result.

STEP FOUR: Reduce the STEP THREE rate by any rate increase in the fire protection district's property tax rate within the immediately preceding ten (10) year period that was made based on a petition submitted by the fire protection district under this section.

(c) The fire protection district's maximum permissible ad valorem property tax levy for property taxes first due and payable in a given year, as adjusted under this section, shall be calculated as:

(1) the amount of the ad valorem property tax levy increase for the fire protection district without regard to this section; plus

(2) an amount equal to the result of:

(A) the rate determined under the formula in subsection (b); multiplied by

(B) the net assessed value of the fire protection district

area divided by one hundred (100).

The calculation under this subsection shall be used in the determination of the fire protection district's maximum permissible ad valorem property tax levy for property taxes first due and payable in the first year of the increase and thereafter.

SECTION 7. IC 6-1.1-20.3-17, AS ADDED BY P.L.257-2019, SECTION 55, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 17. **(a)** If the distressed unit appeal board delays or suspends, for a period determined by the board, any payments on loans or advances from the common school fund under section 6.8 of this chapter, the distressed unit appeal board may recommend to the state board of finance that the term of the loans or advances be extended. If the distressed unit appeal board makes a recommendation to extend the term of the loan or advances, the state board of finance may extend the term of the loans or advances for a period of time that is equal to or less than the number of months for which the payments are delayed or suspended.

(b) If payments on loans or advances from the common school fund are suspended under section 6.8 of this chapter, the distressed unit appeal board shall require that the school corporation:

(1) establish a school improvement fund; and

(2) transfer to the school improvement fund an amount equal to the payments that are delayed or suspended.

(c) A school improvement fund established under subsection (b)(1) may be used only for the following purposes:

(1) Repair, renovation, or other improvements to school buildings and property being used for education purposes as of July 1, 2020.

(2) Demolition of school buildings or other structures on school property in existence as of July 1, 2020.

(d) All expenditures from a school improvement fund established under subsection (b)(1) must be approved by the distressed unit appeal board.

(e) A school corporation may, on an annual basis, levy a tax in the debt service fund equal to the amount that would have been deducted from the distribution of state tuition support for the payment of loans made under section 6.8 of this chapter during

calendar year 2020 if the loans had not been suspended. The amount received from a tax under this subsection must be transferred from the debt service fund to the education fund.

(f) With the approval of the distressed unit appeal board, a school corporation may spend other funds of the school corporation for the purposes described in subsection (c) and reimburse the expenditures from a school improvement fund established under subsection (b)(1).

(g) This section expires January 1, 2025.

SECTION 8. IC 6-1.1-26-2.1, AS ADDED BY P.L.232-2017, SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2019 (RETROACTIVE)]: Sec. 2.1. (a) The county auditor shall approve or deny a claim for refund.

(b) If the county auditor approves the claim for refund, the county auditor shall forward the claim to the county treasurer and county assessor for approval or denial. The county treasurer and county assessor shall each certify their approval or denial and return the claim to the county auditor not later than seventy-five (75) days after the date of the filing of the claim under section 1.1 of this chapter.

(c) If the county auditor, the county assessor, and the county treasurer approve the refund, the county auditor shall issue a warrant to the claimant payable on the general fund for the amount due under this section within forty-five (45) days of the approval of a claim for refund. In addition, the taxpayer is entitled to interest on any overpayment of property taxes. Interest shall be computed:

(1) from the date on which the taxes were paid or due, whichever is later, to the date on which the county auditor and the county treasurer approve the refund; and

(2) using the rate in effect under IC 6-8.1-10-1 for each particular year covered by the refund.

If the taxpayer no longer owns the property on which the tax was assessed and paid, the county auditor shall pay the refunds to the taxpayer or other lawful claimant.

(d) If the county auditor, the county assessor, or the county treasurer denies a refund, the county auditor shall send a notice to the claimant. The claimant may, within forty-five (45) days of the notice of denial:

(1) file an original action claiming a refund in a court of competent

jurisdiction in the county where the property is located; **or**

(2) in the case of notice of denial of a claim for refund that is filed pursuant to IC 6-1.1-9-10(c)(2), file a petition for review with the Indiana board under the procedures set forth in IC 6-1.1-15-3.

(e) If a credit is not applied or a refund is not paid within one hundred twenty (120) days from the date a claim was filed under section 1.1 of this chapter, a claimant may file an original action claiming a refund in a court of competent jurisdiction in the county where the property is located. An original action must be filed by the later of four (4) years after the tax is paid, or four (4) years after the final disposition of an appeal by the county board, board of tax review, department of local government finance, or a court, with respect to a particular tax year.

(f) The county auditor shall correct the tax duplicate for refunds. In the June or December settlement and apportionment of taxes, or both the June and December settlement and apportionment of taxes, immediately following a refund made under this section the county auditor shall deduct the amount refunded from the gross tax collections of the taxing units for which the refunded taxes were originally paid and shall pay the amount so deducted out of the general fund. However, the county auditor shall make the deductions and payments required by this subsection not later than the December settlement and apportionment. The county auditor shall notify the county executive of the payment of the amount due.

SECTION 9. IC 6-3-3-10, AS AMENDED BY P.L.182-2009(ss), SECTION 197, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 10. (a) As used in this section:

"Base period wages" means the following:

(1) In the case of a taxpayer other than a pass through entity, wages paid or payable by a taxpayer to its employees during the year that ends on the last day of the month that immediately precedes the month in which an enterprise zone is established, to the extent that the wages would have been qualified wages if the enterprise zone had been in effect for that year. If the taxpayer did not engage in an active trade or business during that year in the area that is later designated as an enterprise zone, then the base

period wages equal zero (0). If the taxpayer engaged in an active trade or business during only part of that year in an area that is later designated as an enterprise zone, then the department shall determine the amount of base period wages.

(2) In the case of a taxpayer that is a pass through entity, base period wages equal zero (0).

"Enterprise zone" means an enterprise zone created under IC 5-28-15.

"Enterprise zone adjusted gross income" means adjusted gross income of a taxpayer that is derived from sources within an enterprise zone. Sources of adjusted gross income shall be determined with respect to an enterprise zone, to the extent possible, in the same manner that sources of adjusted gross income are determined with respect to the state of Indiana under IC 6-3-2-2.

"Enterprise zone gross income" means gross income of a taxpayer that is derived from sources within an enterprise zone.

"Enterprise zone insurance premiums" means insurance premiums derived from sources within an enterprise zone.

"Monthly base period wages" means base period wages divided by twelve (12).

"Qualified employee" means an individual who is employed by a taxpayer and who:

(1) has the individual's principal place of residence in the enterprise zone in which the individual is employed;

(2) performs services for the taxpayer, ninety percent (90%) of which are directly related to the conduct of the taxpayer's trade or business that is located in an enterprise zone;

(3) performs at least fifty percent (50%) of the individual's services for the taxpayer during the taxable year in the enterprise zone; and

(4) in the case of an individual who is employed by a taxpayer that is a pass through entity, was first employed by the taxpayer after December 31, 1998.

"Qualified increased employment expenditures" means the following:

(1) For a taxpayer's taxable year other than the taxpayer's taxable year in which the enterprise zone is established, the amount by

which qualified wages paid or payable by the taxpayer during the taxable year to qualified employees exceeds the taxpayer's base period wages.

(2) For the taxpayer's taxable year in which the enterprise zone is established, the amount by which qualified wages paid or payable by the taxpayer during all of the full calendar months in the taxpayer's taxable year that succeed the date on which the enterprise zone was established exceed the taxpayer's monthly base period wages multiplied by that same number of full calendar months.

"Qualified state tax liability" means a taxpayer's total income tax liability incurred under:

(1) IC 6-3-1 through IC 6-3-7 (adjusted gross income tax) with respect to enterprise zone adjusted gross income;

(2) IC 27-1-18-2 (insurance premiums tax) with respect to enterprise zone insurance premiums; ~~and~~

(3) IC 6-5.5 (the financial institutions tax); **and**

(4) IC 6-8-15 (nonprofit agricultural organization health coverage tax);

as computed after the application of the credits that, under IC 6-3.1-1-2, are to be applied before the credit provided by this section.

"Qualified wages" means the wages paid or payable to qualified employees during a taxable year.

"Taxpayer" includes a pass through entity.

(b) A taxpayer is entitled to a credit against the taxpayer's qualified state tax liability for a taxable year in the amount of the lesser of:

(1) the product of ten percent (10%) multiplied by the qualified increased employment expenditures of the taxpayer for the taxable year; or

(2) one thousand five hundred dollars ($1,500) multiplied by the number of qualified employees employed by the taxpayer during the taxable year.

(c) The amount of the credit provided by this section that a taxpayer uses during a particular taxable year may not exceed the taxpayer's qualified state tax liability for the taxable year. If the credit provided by this section exceeds the amount of that tax liability for the taxable year it is first claimed, then the excess may be carried back to preceding

taxable years or carried over to succeeding taxable years and used as a credit against the taxpayer's qualified state tax liability for those taxable years. Each time that the credit is carried back to a preceding taxable year or carried over to a succeeding taxable year, the amount of the carryover is reduced by the amount used as a credit for that taxable year. Except as provided in subsection (e), the credit provided by this section may be carried forward and applied in the ten (10) taxable years that succeed the taxable year in which the credit accrues. The credit provided by this section may be carried back and applied in the three (3) taxable years that precede the taxable year in which the credit accrues.

(d) A credit earned by a taxpayer in a particular taxable year shall be applied against the taxpayer's qualified state tax liability for that taxable year before any credit carryover or carryback is applied against that liability under subsection (c).

(e) Notwithstanding subsection (c), if a credit under this section results from wages paid in a particular enterprise zone, and if that enterprise zone terminates in a taxable year that succeeds the last taxable year in which a taxpayer is entitled to use the credit carryover that results from those wages under subsection (c), then the taxpayer may use the credit carryover for any taxable year up to and including the taxable year in which the enterprise zone terminates.

(f) A taxpayer is not entitled to a refund of any unused credit.

(g) A taxpayer that:

(1) does not own, rent, or lease real property outside of an enterprise zone that is an integral part of its trade or business; and

(2) is not owned or controlled directly or indirectly by a taxpayer that owns, rents, or leases real property outside of an enterprise zone;

is exempt from the allocation and apportionment provisions of this section.

(h) If a pass through entity is entitled to a credit under subsection (b) but does not have state tax liability against which the tax credit may be applied, an individual who is a shareholder, partner, beneficiary, or member of the pass through entity is entitled to a tax credit equal to:

(1) the tax credit determined for the pass through entity for the taxable year; multiplied by

(2) the percentage of the pass through entity's distributive income

to which the shareholder, partner, beneficiary, or member is entitled.

The credit provided under this subsection is in addition to a tax credit to which a shareholder, partner, beneficiary, or member of a pass through entity is entitled. However, a pass through entity and an individual who is a shareholder, partner, beneficiary, or member of a pass through entity may not claim more than one (1) credit for the qualified expenditure.

SECTION 10. IC 6-3-3-12, AS AMENDED BY P.L.214-2018(ss), SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2020 (RETROACTIVE)]: Sec. 12. (a) As used in this section, "account" has the meaning set forth in IC 21-9-2-2.

(b) As used in this section, "account beneficiary" has the meaning set forth in IC 21-9-2-3.

(c) As used in this section, "account owner" has the meaning set forth in IC 21-9-2-4.

(d) As used in this section, "college choice 529 education savings plan" refers to a college choice 529 plan established under IC 21-9.

(e) As used in this section, "contribution" means the amount of money directly provided to a college choice 529 education savings plan account by a taxpayer. A contribution does not include any of the following:

(1) Money credited to an account as a result of bonus points or other forms of consideration earned by the taxpayer that result in a transfer of money to the account.

(2) Money transferred from any other qualified tuition program under Section 529 of the Internal Revenue Code or from any other similar plan.

(3) Money that is credited to an account and that will be transferred to an ABLE account (as defined in Section 529A of the Internal Revenue Code).

(f) As used in this section, "nonqualified withdrawal" means a withdrawal or distribution from a college choice 529 education savings plan that is not a qualified withdrawal.

(g) As used in this section, "qualified higher education expenses" has the meaning set forth in IC 21-9-2-19.5, **except that the term does not include qualified education loan repayments under Section**

529(c)(9) of the Internal Revenue Code.

(h) As used in this section, "qualified K-12 education expenses" means expenses that are for tuition in connection with enrollment or attendance at an elementary or secondary public, private, or religious school located in Indiana and are permitted under Section 529 of the Internal Revenue Code.

(i) As used in this section, "qualified withdrawal" means a withdrawal or distribution from a college choice 529 education savings plan that is made:

(1) to pay for qualified higher education expenses, excluding any withdrawals or distributions used to pay for qualified higher education expenses, if the withdrawals or distributions are made from an account of a college choice 529 education savings plan that is terminated within twelve (12) months after the account is opened;

(2) as a result of the death or disability of an account beneficiary;

(3) because an account beneficiary received a scholarship that paid for all or part of the qualified higher education expenses of the account beneficiary, to the extent that the withdrawal or distribution does not exceed the amount of the scholarship; or

(4) by a college choice 529 education savings plan as the result of a transfer of funds by a college choice 529 education savings plan from one (1) third party custodian to another.

However, a qualified withdrawal does not include a withdrawal or distribution that will be used for expenses that are for tuition in connection with enrollment or attendance at an elementary or secondary public, private, or religious school unless the school is located in Indiana. A qualified withdrawal does not include a rollover distribution or transfer of assets from a college choice 529 education savings plan to any other qualified tuition program under Section 529 of the Internal Revenue Code or to any other similar plan.

(j) As used in this section, "taxpayer" means:

(1) an individual filing a single return; ~~or~~

(2) a married couple filing a joint return; **or**

(3) for taxable years beginning after December 31, 2019, a married individual filing a separate return.

(k) A taxpayer is entitled to a credit against the taxpayer's adjusted

gross income tax imposed by IC 6-3-1 through IC 6-3-7 for a taxable year equal to the least of the following:

(1) The following amount:

(A) For taxable years beginning before January 1, 2019, the sum of twenty percent (20%) multiplied by the amount of the total contributions that are made by the taxpayer to an account or accounts of a college choice 529 education savings plan during the taxable year and that will be used to pay for qualified higher education expenses that are not qualified K-12 education expenses, plus the lesser of:

(i) five hundred dollars ($500); or

(ii) ten percent (10%) multiplied by the amount of the total contributions that are made by the taxpayer to an account or accounts of a college choice 529 education savings plan during the taxable year and that will be used to pay for qualified K-12 education expenses.

(B) For taxable years beginning after December 31, 2018, the sum of:

(i) twenty percent (20%) multiplied by the amount of the total contributions that are made by the taxpayer to an account or accounts of a college choice 529 education savings plan during the taxable year and that are designated to pay for qualified higher education expenses that are not qualified K-12 education expenses; plus

(ii) twenty percent (20%) multiplied by the amount of the total contributions that are made by the taxpayer to an account or accounts of a college choice 529 education savings plan during the taxable year and that are designated to pay for qualified K-12 education expenses.

(2) One thousand dollars ($1,000), **or five hundred dollars ($500) in the case of a married individual filing a separate return.**

(3) The amount of the taxpayer's adjusted gross income tax imposed by IC 6-3-1 through IC 6-3-7 for the taxable year, reduced by the sum of all credits (as determined without regard to this section) allowed by IC 6-3-1 through IC 6-3-7.

(l) This subsection applies after December 31, 2018. At the time a

contribution is made to or a withdrawal is made from an account or accounts of a college choice 529 education savings plan, the person making the contribution or withdrawal shall designate whether the contribution is made for or the withdrawal will be used for:

(1) qualified higher education expenses that are not qualified K-12 education expenses; or

(2) qualified K-12 education expenses.

The Indiana education savings authority (IC 21-9-3) shall use subaccounting to track the designations.

(m) A taxpayer who makes a contribution to a college choice 529 education savings plan is considered to have made the contribution on the date that:

(1) the taxpayer's contribution is postmarked or accepted by a delivery service, for contributions that are submitted to a college choice 529 education savings plan by mail or delivery service; or

(2) the taxpayer's electronic funds transfer is initiated, for contributions that are submitted to a college choice 529 education savings plan by electronic funds transfer.

(n) A taxpayer is not entitled to a carryback, carryover, or refund of an unused credit.

(o) A taxpayer may not sell, assign, convey, or otherwise transfer the tax credit provided by this section.

(p) To receive the credit provided by this section, a taxpayer must claim the credit on the taxpayer's annual state tax return or returns in the manner prescribed by the department. The taxpayer shall submit to the department all information that the department determines is necessary for the calculation of the credit provided by this section.

(q) An account owner of an account of a college choice 529 education savings plan must repay all or a part of the credit in a taxable year in which any nonqualified withdrawal is made from the account. The amount the taxpayer must repay is equal to the lesser of:

(1) twenty percent (20%) of the total amount of nonqualified withdrawals made during the taxable year from the account; or

(2) the excess of:

(A) the cumulative amount of all credits provided by this section that are claimed by any taxpayer with respect to the taxpayer's contributions to the account for all prior taxable

years beginning on or after January 1, 2007; over

(B) the cumulative amount of repayments paid by the account owner under this subsection for all prior taxable years beginning on or after January 1, 2008.

(r) Any required repayment under subsection (q) shall be reported by the account owner on the account owner's annual state income tax return for any taxable year in which a nonqualified withdrawal is made.

(s) A nonresident account owner who is not required to file an annual income tax return for a taxable year in which a nonqualified withdrawal is made shall make any required repayment on the form required under IC 6-3-4-1(2). If the nonresident account owner does not make the required repayment, the department shall issue a demand notice in accordance with IC 6-8.1-5-1.

(t) The executive director of the Indiana education savings authority shall submit or cause to be submitted to the department a copy of all information returns or statements issued to account owners, account beneficiaries, and other taxpayers for each taxable year with respect to:

(1) nonqualified withdrawals made from accounts, including subaccounts of a college choice 529 education savings plan for the taxable year; or

(2) account closings for the taxable year.

SECTION 11. IC 6-3.1-7-1, AS AMENDED BY P.L.4-2005, SECTION 51, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1. As used in this chapter:

"Enterprise zone" means an enterprise zone created under IC 5-28-15.

"Pass through entity" means a:

(1) corporation that is exempt from the adjusted gross income tax under IC 6-3-2-2.8(2);

(2) partnership;

(3) trust;

(4) limited liability company; or

(5) limited liability partnership.

"Qualified loan" means a loan made to an entity that uses the loan proceeds for:

(1) a purpose that is directly related to a business located in an enterprise zone;

(2) an improvement that increases the assessed value of real property located in an enterprise zone; or

(3) rehabilitation, repair, or improvement of a residence.

"State tax liability" means a taxpayer's total tax liability that is incurred under:

(1) IC 6-3-1 through IC 6-3-7 (the adjusted gross income tax);

(2) IC 27-1-18-2 (the insurance premiums tax) **or IC 6-8-15 (the nonprofit agricultural organization health coverage tax);** and

(3) IC 6-5.5 (the financial institutions tax);

as computed after the application of the credits that, under IC 6-3.1-1-2, are to be applied before the credit provided by this chapter.

"Taxpayer" means any person, corporation, limited liability company, partnership, or other entity that has any state tax liability. The term includes a pass through entity.

SECTION 12. IC 6-3.1-7-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 4. (a) A credit to which a taxpayer is entitled under this chapter shall be applied against taxes owed by the taxpayer in the following order:

(1) First, against the taxpayer's adjusted gross income tax liability (IC 6-3-1 through IC 6-3-7) for the taxable year.

(2) Second, against the taxpayer's insurance premiums tax liability (IC 27-1-18-2) **or nonprofit agricultural organization health coverage tax liability (IC 6-8-15)** for the taxable year.

(3) Third, against the taxpayer's financial institutions tax liability (IC 6-5.5) for the taxable year.

(b) If the tax paid by the taxpayer under a tax provision listed in subsection (a) is a credit against the liability or a deduction in determining the tax base under another Indiana tax provision, the credit or deduction shall be computed without regard to the credit to which a taxpayer is entitled under this chapter.

SECTION 13. IC 6-3.1-11-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 12. As used in this chapter, "state tax liability" means the taxpayer's total tax liability that is incurred under:

(1) IC 6-3-1 through IC 6-3-7 (the adjusted gross income tax);

(2) IC 27-1-18-2 (the insurance premiums tax) **or IC 6-8-15 (the nonprofit agricultural organization health coverage tax);** and

(3) IC 6-5.5 (the financial institutions tax);

as computed after the application of the credits that, under IC 6-3.1-1-2, are to be applied before the credit provided by this chapter.

SECTION 14. IC 6-3.1-11-16, AS AMENDED BY SEA 272-2020, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 16. (a) Subject to entering into an agreement with the corporation under section 19.5 of this chapter and subject to section 21 of this chapter, a taxpayer is entitled to a credit against the taxpayer's state tax liability for a taxable year if the taxpayer makes a qualified investment **as certified by the corporation for** ~~in~~ that year.

(b) The amount of the credit to which a taxpayer is entitled is the qualified investment made by the taxpayer **and certified by the corporation for a** ~~during the~~ taxable year multiplied by the applicable percentage.

(c) The taxpayer may assign any part of the credit that the taxpayer may claim under this chapter. A credit that is assigned under this subsection remains subject to this chapter. **If a taxpayer assigns a part of a credit during a taxable year, the assignee may not subsequently assign all or part of the credit to another taxpayer. Nothing in this subsection shall prohibit a taxpayer from making more than one (1) assignment of any part of the credit, but a taxpayer may not assign the same part of a credit more than once.**

(d) ~~If a taxpayer assigns a part of a credit during a taxable year, the assignee may not subsequently assign all or part of the credit to another taxpayer. A taxpayer may make only one (1) assignment of a credit.~~ Before a credit may be assigned, the taxpayer must notify the corporation of the assignment of the credit in the manner prescribed by the corporation. An assignment of a credit must be in writing, and both the taxpayer and assignee shall report the assignment on the taxpayer's and the assignee's state tax returns for the year in which the assignment is made, in the manner prescribed by the department. A taxpayer may not receive value in connection with an assignment under this section that exceeds the value of the part of the credit assigned.

SECTION 15. IC 6-3.1-11-22 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 22. (a) A credit to which a taxpayer is entitled under this chapter shall be applied against taxes owed by the taxpayer in the following order:

(1) Against the taxpayer's adjusted gross income tax liability (IC 6-3-1 through IC 6-3-7) for the taxable year.

(2) Against the taxpayer's insurance premiums tax liability (IC 27-1-18-2) **or nonprofit agricultural organization health coverage tax (IC 6-8-15)** for the taxable year.

(3) Against the taxpayer's financial institutions tax (IC 6-5.5) for the taxable year.

(b) Whenever the tax paid by the taxpayer under any of the tax provisions listed in subsection (a) is a credit against the liability or a deduction in determining the tax base under another Indiana tax provision, the credit or deduction shall be computed without regard to the credit to which a taxpayer is entitled under this chapter.

SECTION 16. IC 6-3.1-13-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 9. As used in this chapter, "state tax liability" means a taxpayer's total tax liability that is incurred under:

(1) IC 6-3-1 through IC 6-3-7 (the adjusted gross income tax);

(2) IC 27-1-18-2 (the insurance premiums tax) **or IC 6-8-15 (the nonprofit agricultural organization health coverage tax);** and

(3) IC 6-5.5 (the financial institutions tax);

as computed after the application of the credits that under IC 6-3.1-1-2 are to be applied before the credit provided by this chapter.

SECTION 17. IC 6-3.1-19-1, AS AMENDED BY P.L.197-2016, SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1. As used in this chapter, "state and local tax liability" means a taxpayer's total tax liability incurred under:

(1) IC 6-3-1 through IC 6-3-7 (the adjusted gross income tax);

(2) IC 6-3.6 (local income tax);

(3) IC 6-5.5 (the financial institutions tax); and

(4) IC 27-1-18-2 (the insurance premiums tax) **or IC 6-8-15 (the nonprofit agricultural organization health coverage tax);**

as computed after the application of all credits that under IC 6-3.1-1-2 are to be applied before the credit provided by this chapter.

SECTION 18. IC 6-3.1-24-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 4. As used in this chapter, "state tax liability" means a taxpayer's total tax liability that is

incurred under:

(1) IC 6-2.5 (state gross retail and use tax);

(2) IC 6-3-1 through IC 6-3-7 (the adjusted gross income tax);

(3) IC 6-5.5 (the financial institutions tax); and

(4) IC 27-1-18-2 (the insurance premiums tax) **or IC 6-8-15 (the nonprofit agricultural organization health coverage tax);**

as computed after the application of the credits that under IC 6-3.1-1-2 are to be applied before the credit provided by this chapter.

SECTION 19. IC 6-3.1-26-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 9. As used in this chapter, "state tax liability" means a taxpayer's total tax liability that is incurred under:

(1) IC 6-3-1 through IC 6-3-7 (the adjusted gross income tax);

(2) IC 27-1-18-2 (the insurance premiums tax); and

(3) IC 6-5.5 (the financial institutions tax) **or IC 6-8-15 (the nonprofit agricultural organization health coverage tax);**

as computed after the application of the credits that under IC 6-3.1-1-2 are to be applied before the credit provided by this chapter.

SECTION 20. IC 6-3.1-30.5-5, AS ADDED BY P.L.182-2009(ss), SECTION 205, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 5. As used in this chapter, "state tax liability" means a taxpayer's total tax liability that is incurred under:

(1) IC 6-3-1 through IC 6-3-7 (the adjusted gross income tax);

(2) IC 6-5.5 (the financial institutions tax); and

(3) IC 27-1-18-2 (the insurance premiums tax) **or IC 6-8-15 (the nonprofit agricultural organization health coverage tax);**

as computed after the application of the credits that under IC 6-3.1-1-2 are to be applied before the credit provided by this chapter.

SECTION 21. IC 6-3.1-34-3.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 3.5. As used in this chapter, "mine reclamation site" means:**

(1) land that has been mined using surface mining methods or underground mining methods, specifically and primarily for the removal of coal; and

(2) land that is contiguous to land described in subdivision (1).

SECTION 22. IC 6-3.1-34-6, AS ADDED BY P.L.158-2019,

SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 6. As used in this chapter, "qualified redevelopment site" means:

(1) land on which a vacant building or complex of buildings was placed in service at least fifteen (15) years before the date on which the application is filed with the corporation under this chapter;

(2) land on which a vacant building or complex of buildings:

(A) was placed in service at least fifteen (15) years before the date on which the demolition of the vacant building or complex of buildings was completed; and

(B) that was demolished in an effort to protect the health, safety, and welfare of the community;

(3) land on which a vacant building or complex of buildings:

(A) was placed in service at least fifteen (15) years before the date on which the demolition of the vacant building or complex of buildings was completed;

(B) was placed in service as a public building;

(C) was owned by a unit of local government; and

(D) has not been redeveloped since the building was taken out of service as a public building;

(4) vacant land; ~~or~~

(5) mine reclamation site; or

~~(5)~~ **(6)** brownfields consisting of more than fifty (50) acres.

For a complex of buildings to be considered a qualified redevelopment site under subdivision (1), (2) or (3), the buildings must have been located on a single parcel or contiguous parcels of land that were under common ownership at the time the site was placed in service.

SECTION 23. IC 6-3.1-34-9, AS ADDED BY P.L.158-2019, SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 9. As used in this chapter, "state tax liability" means the taxpayer's total tax liability that is incurred under:

(1) IC 6-3-1 through IC 6-3-7 (the adjusted gross income tax);

(2) IC 27-1-18-2 (the insurance premiums tax); and

(3) IC 6-5.5 (the financial institutions tax) **or IC 6-8-15 (the nonprofit agricultural organization health coverage tax);**

as computed after the application of the credits that, under IC 6-3.1-1-2,

are to be applied before the credit provided by this chapter.

SECTION 24. IC 6-3.1-34-10, AS ADDED BY P.L.158-2019, SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 10. As used in this chapter, "taxpayer" means any person, corporation, limited liability company, partnership, or other entity that has any state tax liability. The term includes the owner or the developer of the qualified development site property, a pass through entity, and ~~a person~~ **an assignee** that is assigned part or all of a credit under section 14 of this chapter.

SECTION 25. IC 6-3.1-34-12, AS ADDED BY P.L.158-2019, SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 12. (a) A tax credit that a taxpayer may claim under this chapter shall be applied against taxes owed by the taxpayer in the following order:

(1) First, against the taxpayer's adjusted gross income tax liability (IC 6-3-1 through IC 6-3-7) for the taxable year.

(2) Second, against the taxpayer's insurance premiums tax liability (IC 27-1-18-2) **or nonprofit agricultural organization health coverage tax liability (IC 6-8-15)** for the taxable year.

(3) Third, against the taxpayer's financial institutions tax liability (IC 6-5.5) for the taxable year.

(b) If the tax paid by the taxpayer under a tax provision listed in subsection (a) is a credit against the liability or a deduction in determining the tax base under another Indiana tax provision, the credit or deduction shall be computed without regard to the credit to which a taxpayer may claim under this chapter.

SECTION 26. IC 6-3.1-34-14, AS ADDED BY P.L.158-2019, SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 14.(a) If a taxpayer is awarded a credit under this chapter before July 1, 2029, the taxpayer may assign any part of the credit that the taxpayer may claim under this chapter. A credit that is assigned under this subsection remains subject to this chapter.

(b) If a taxpayer assigns a part of a credit during a taxable year, the assignee may not subsequently assign all or part of the credit to another ~~person.~~ **taxpayer.** A taxpayer may make only one (1) assignment of a credit. Before a credit may be assigned, the taxpayer must notify the

corporation of the assignment of the credit in the manner prescribed by the corporation. An assignment of a credit must be in writing, and both the taxpayer and assignee shall report the assignment on the taxpayer's and assignee's state tax returns for the year in which the assignment is made, in the manner prescribed by the department. A taxpayer may not receive value in connection with an assignment under this section that exceeds the value of that part of the credit assigned.

(c) The corporation shall collect and compile data on the assignments of tax credits under this chapter and determine the effectiveness of each assignment in getting projects completed. The corporation shall report its findings under this subsection to the legislative council in an electronic format under IC 5-14-6 before November 1, 2022.

SECTION 27. IC 6-3.1-34-17, AS ADDED BY P.L.158-2019, SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 17. (a) The following apply if the corporation determines that a credit should be awarded under this chapter:

(1) The corporation shall require the taxpayer to enter into an agreement with the corporation as a condition of receiving a credit under this chapter.

(2) The agreement with the corporation must:

(A) prescribe the method of certifying the taxpayer's qualified investment; and

(B) include provisions that authorize the corporation to work with the department and the taxpayer, if the corporation determines that the taxpayer is noncompliant with the terms of the agreement or the provisions of this chapter, to bring the taxpayer into compliance or to protect the interests of the state.

(3) The corporation shall specify the taxpayer's expenditures that will be considered a qualified investment.

(4) The corporation shall determine the applicable credit percentage under subsections (b) and (c).

(b) If the corporation determines that a credit should be awarded under this chapter, the corporation shall determine the applicable credit percentage for a qualified investment certified by the corporation. However, and except as provided in subsection (c), the applicable credit

percentage may not exceed the following:

(1) If the qualified redevelopment site was placed in service at least fifteen (15) years ago but less than thirty (30) years ago, or is vacant land or a brownfield described in section ~~6(5)~~ **6(6)** of this chapter:

(A) fifteen percent (15%), if the qualified redevelopment site is part of a development plan of a regional development authority established under IC 36-7.5-2-1 or IC 36-7.6-2-3; or

(B) ten percent (10%), if the qualified redevelopment site is not part of a development plan of a regional development authority described under clause (A).

(2) If the qualified redevelopment site was placed in service at least thirty (30) years ago but less than forty (40) years ago:

(A) twenty percent (20%), if the qualified redevelopment site is part of a development plan of a regional development authority established under IC 36-7.5-2-1 or IC 36-7.6-2-3; or

(B) ten percent (10%), if the qualified redevelopment site is not part of a development plan of a regional development authority described under clause (A).

(3) If the qualified redevelopment site was placed in service at least forty (40) years ago:

(A) twenty-five percent (25%), if the qualified redevelopment site is part of a development plan of a regional development authority established under IC 36-7.5-2-1 or IC 36-7.6-2-3; or

(B) fifteen percent (15%), if the qualified redevelopment site is not part of a development plan of a regional development authority described under clause (A).

(c) The corporation may increase the credit amount by not more than an additional five percent (5%) if:

(1) the qualified redevelopment site is located in a federally designated qualified opportunity zone (Section 1400Z-1 and 1400Z-2 of the Internal Revenue Code); or

(2) the project qualifies for federal new markets tax credits under Section 45D of the Internal Revenue Code.

(d) To be eligible for the credit for a qualified investment, a taxpayer's expenditures that are considered a qualified investment must be certified by the corporation not later than two (2) taxable years after

the end of the calendar year in which the taxpayer's expenditures are made.

SECTION 28. IC 6-3.6-2-7.4 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 7.4. "County with a single voting bloc" means a county that has a local income tax council in which one (1) city that is a member of the local income tax council or one (1) town that is a member of the local income tax council is allocated more than fifty percent (50%) of the total one hundred (100) votes allocated under IC 6-3.6-3-6(d). This section expires May 31, 2021.**

SECTION 29. IC 6-3.6-3-5, AS ADDED BY P.L.243-2015, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) The auditor of a county shall record all votes taken on ordinances presented for a vote under this article and not more than ten (10) days after the vote, send a certified copy of the results to:

(1) the commissioner of the department of state revenue; and

(2) the commissioner of the department of local government finance;

in an electronic format approved by the commissioner of the department of local government finance.

(b) **Except as provided in subsection (c),** this subsection applies only to a county that has a local income tax council The county auditor may cease sending certified copies after the county auditor sends a certified copy of results showing that members of the local income tax council have cast a majority of the votes on the local income tax council for or against the proposed ordinance.

(c) This subsection applies only to a county with a single voting bloc that proposes to increase (but not decrease) a tax rate in the county. The county auditor may cease sending certified copies of the votes on the local income tax council voting as a whole under section 9.5 of this chapter after the county auditor sends a certified copy of results showing that the individuals who sit on the fiscal bodies of the county, cities, and towns that are members of the local income tax council have cast a majority of the votes on the local income tax council voting as a whole under section 9.5 of this

chapter for or against the proposed ordinance. This subsection expires May 31, 2021.

SECTION 30. IC 6-3.6-3-6, AS ADDED BY P.L.243-2015, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) This section applies to a county in which the county adopting body is a local income tax council.

(b) In the case of a city or town that lies within more than one (1) county, the county auditor of each county shall base the allocations required by subsection (c) on the population of that part of the city or town that lies within the county for which the allocations are being made.

(c) Each local income tax council has a total of one hundred (100) votes.

(d) Each **county, city, or town that is a** member of a local income tax council is allocated a percentage of the total one hundred (100) votes that may be cast. The percentage that a city or town is allocated for a year equals the same percentage that the population of the city or town bears to the population of the county. The percentage that the county is allocated for a year equals the same percentage that the population of all areas in the county not located in a city or town bears to the population of the county.

(e) This subsection applies only to a county with a single voting bloc. Each individual who sits on the fiscal body of a county, city, or town that is a member of the local income tax council is allocated for a year the number of votes equal to the total number of votes allocated to the particular county, city, or town under subsection (d) divided by the number of members on the fiscal body of the county, city, or town. This subsection expires May 31, 2021.

(f) On or before January 1 of each year, the county auditor shall certify to each member of the local income tax council the number of votes, rounded to the nearest one hundredth (0.01), each member has for that year.

(g) This subsection applies only to a county with a single voting bloc. On or before January 1 of each year, in addition to the certification to each member of the local income tax council under subsection (f), the county auditor shall certify to each individual

who sits on the fiscal body of each county, city, or town that is a member of the local income tax council the number of votes, rounded to the nearest one hundredth (0.01), each individual has under subsection (e) for that year. This subsection expires May 31, 2021.

SECTION 31. IC 6-3.6-3-7, AS AMENDED BY P.L.247-2017, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) This section applies to a county in which the county adopting body is a local income tax council.

(b) Before a member of the local income tax council may propose an ordinance **under section 8 of this chapter,** or vote on a proposed ordinance **(including a proposed ordinance under section 8(e) of this chapter that is being considered by the local income tax council as a whole as required under section 9.5 of this chapter (before its expiration)),** the member must hold a public hearing on the proposed ordinance and provide the public with notice of the time and place where the public hearing will be held.

(c) The notice required by subsection (b) must be given in accordance with IC 5-3-1 and include the proposed ordinance or resolution to propose an ordinance.

(d) In addition to the notice required by subsection (b), the adopting body shall also provide a copy of the notice to all taxing units in the county at least ten (10) days before the public hearing.

SECTION 32. IC 6-3.6-3-8, AS ADDED BY P.L.243-2015, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) This section applies to a county in which the county adopting body is a local income tax council.

(b) **Except as provided in subsection (e),** any member of a local income tax council may present an ordinance for passage. To do so, the member must adopt a resolution to propose the ordinance to the local income tax council and distribute a copy of the proposed ordinance to the county auditor. The county auditor shall treat any proposed ordinance distributed to the auditor under this section as a casting of all that member's votes in favor of the proposed ordinance.

(c) **Except as provided in subsection (f),** the county auditor shall deliver copies of a proposed ordinance the auditor receives to all members of the local income tax council within ten (10) days after

receipt. Subject to subsection (d), once a member receives a proposed ordinance from the county auditor, the member shall vote on it within thirty (30) days after receipt.

(d) **Except as provided in subsection (h),** if, before the elapse of thirty (30) days after receipt of a proposed ordinance, the county auditor notifies the member that the members of the local income tax council have cast a majority of the votes on the local income tax council for or against the proposed ordinance the member need not vote on the proposed ordinance.

(e) This subsection applies only to a county with a single voting bloc that proposes to increase (but not decrease) a tax rate in the county. The fiscal body of any county, city, or town that is a member of a local income tax council may adopt a resolution to propose an ordinance to increase a tax rate in the county to be voted on by the local income tax council as a whole as required under section 9.5 of this chapter and distribute a copy of the proposed ordinance to the county auditor. The county auditor shall treat the vote tally on the resolution adopted under this subsection for each individual who is a member of the fiscal body of the county, city, or town as the voting record for that individual either for or against the ordinance being proposed for consideration by the local income tax council as a whole under section 9.5 of this chapter. This subsection expires May 31, 2021.

(f) This subsection applies only to a county with a single voting bloc that proposes to increase (but not decrease) a tax rate in the county. The county auditor shall deliver copies of a proposed ordinance the auditor receives under subsection (e) to the fiscal officers of all members of the local income tax council (other than the member proposing the ordinance under subsection (e)) within ten (10) days after receipt. Subject to subsection (h), once a member receives a proposed ordinance from the county auditor, the member shall vote on it within thirty (30) days after receipt. This subsection expires May 31, 2021.

(g) This subsection applies only to a county with a single voting bloc that proposes to increase (but not decrease) a tax rate in the county. The fiscal body of each county, city, or town voting on a resolution to propose an ordinance under subsection (e), or voting

on a proposed ordinance being considered by the local income tax council as a whole under section 9.5 of this chapter, must take a roll call vote on the resolution or the proposed ordinance. If an individual who sits on the fiscal body is absent from the meeting in which a vote is taken or abstains from voting on the resolution or proposed ordinance, the fiscal officer of the county, city, or town shall nevertheless consider that individual's vote as a "no" vote against the resolution or the proposed ordinance being considered, whichever is applicable, for purposes of the vote tally under this section and shall note on the vote tally that the individual's "no" vote is due to absence or abstention. The fiscal body of each county, city, or town shall certify the roll call vote on a resolution or a proposed ordinance, either for or against, to the county auditor as set forth under this chapter. This subsection expires May 31, 2021.

(h) This subsection applies only to a county with a single voting bloc that proposes to increase (but not decrease) a tax rate in the county. If, before the elapse of thirty (30) days after receipt of a proposed ordinance under subsection (e), the county auditor notifies the member that the individuals who sit on the fiscal bodies of the county, cities, and towns that are members of the local income tax council have cast a majority of the votes on the local income tax council for or against a proposed ordinance voting as a whole under section 9.5 of this chapter, the member need not vote on the proposed ordinance under subsection (e). This subsection expires May 31, 2021.

SECTION 33. IC 6-3.6-3-9, AS ADDED BY P.L.243-2015, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. (a) **Except as provided in subsection (d),** this section applies to a county in which the county adopting body is a local income tax council.

(b) A member of the local income tax council may exercise its votes by passing a resolution and transmitting the resolution to the county auditor.

(c) A resolution passed by a member of the local income tax council exercises all votes of the member on the proposed ordinance, and those votes may not be changed during the year.

(d) This section does not apply to a county in which the county adopting body is a local income tax council to which section 9.5 of this chapter applies. This subsection expires May 31, 2021.

SECTION 34. IC 6-3.6-3-9.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 9.5. (a) This section applies to a county:**

(1) in which the county adopting body is a local income tax council;

(2) that is a county with a single voting bloc; and

(3) that proposes to increase a tax rate in the county.

However, the provisions under section 9 of this chapter shall apply to a county described in subdivisions (1) and (2) that proposes to decrease a tax rate in the county.

(b) A local income tax council described in subsection (a) must vote as a whole to exercise its authority to increase a tax rate under this article.

(c) A resolution passed by the fiscal body of a county, city, or town that is a member of the local income tax council exercises the vote of each individual who sits on the fiscal body of the county, city, or town on the proposed ordinance, and the individual's vote may not be changed during the year.

(d) This section expires May 31, 2021.

SECTION 35. IC 6-3.6-3-11 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2020 (RETROACTIVE)]: **Sec. 11. (a) This section applies to a county in which the county adopting body is the local income tax council and is a county with a single voting bloc.**

(b) Notwithstanding any other law, any action taken under this chapter after December 31, 2019, and before April 1, 2020, by:

(1) a member of a local income tax council; or

(2) the local income tax council;

on a resolution or proposed ordinance to increase a local income tax rate in the county is void. However, this subsection does not apply to any action taken under this chapter on a resolution or proposed ordinance to decrease a local income tax rate in the

county.

(c) This section expires May 31, 2021.

SECTION 36. IC 6-3.6-7-10, AS ADDED BY P.L.243-2015, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015 (RETROACTIVE)]: Sec. 10. (a) This section applies only to Howard County.

(b) Maintaining low property tax rates is essential to economic development, and the use of a tax under this section, as needed in the county, to carry out the purposes of this section, rather than the use of property taxes, promotes these purposes.

(c) The county fiscal body may impose a tax rate on the adjusted gross income of local taxpayers that does not exceed twenty-five hundredths percent (0.25%).

(d) Revenues raised from a tax imposed under this section may be used only ~~for the purposes of funding a property tax credit to reduce the property tax liability imposed by a county~~ to fund the county's operation and maintenance of a jail or a juvenile detention center, or both.

~~(e) The total of all tax credits granted under this section for a year may not exceed the amount of revenue raised by the tax imposed under this section. If the amount available in a year for property tax credits under this section is less than the amount necessary to provide all the property tax credits authorized by the adopting body, the county auditor shall reduce the property tax credits granted to eliminate the excess. The county auditor shall reduce credits uniformly in proportion to the tax liability incurred by each taxpayer.~~

~~(f) The total of all tax credits granted under this section for a year may not exceed the amount necessary to offset the property tax liability imposed for the purposes of this section. If the amount available in a year for property tax credits under this section is greater than the amount necessary to provide property tax credits to offset the property tax liability imposed for the purposes of this section, the county auditor shall retain and apply the excess, as necessary, to provide the property tax credits for the purposes of this section for the following year.~~

~~(g) The county auditor shall allocate the amount of revenue applied as tax credits under this section to the county.~~

SECTION 37. IC 6-3.6-7-16, AS ADDED BY P.L.243-2015, SECTION 10, IS AMENDED TO READ AS FOLLOWS

[EFFECTIVE JANUARY 1, 2015 (RETROACTIVE)]: Sec. 16. (a) This section applies only to Monroe County.

(b) Maintaining low property tax rates is essential to economic development, and the use of a tax under this section, as needed in the county, to carry out the purposes of this section, rather than the use of property taxes, promotes these purposes.

(c) The county fiscal body may impose a tax rate on the adjusted gross income of local taxpayers that does not exceed twenty-five hundredths percent (0.25%).

(d) Revenues raised from a tax imposed under this section may be used only ~~for the purposes of funding a property tax credit to reduce the property tax liability imposed by a county~~ to fund the operation and maintenance of a juvenile detention center and other facilities to provide juvenile services.

~~(e) The total of all tax credits granted under this section for a year may not exceed the amount of revenue raised by the tax imposed under this section. If the amount available in a year for property tax credits under this section is less than the amount necessary to provide all the property tax credits authorized by the adopting body, the county auditor shall reduce the property tax credits granted to eliminate the excess. The county auditor shall reduce credits uniformly in proportion to the tax liability incurred by each taxpayer.~~

~~(f) The total of all tax credits granted under this section for a year may not exceed the amount necessary to offset the property tax liability imposed for the purposes of this section. If the amount available in a year for property tax credits under this section is greater than the amount necessary to provide property tax credits to offset the property tax liability imposed for the purposes of this section, the county auditor shall retain and apply the excess, as necessary, to provide the property tax credits for the purposes of this section for the following year.~~

~~(g) The county auditor shall allocate the amount of revenue applied as tax credits under this section to the county.~~

SECTION 38. IC 6-8-15 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]:

Chapter 15. Nonprofit Agricultural Organization Health Coverage Tax

Sec. 1. As used in this chapter, "commissioner" refers to the insurance commissioner appointed under IC 27-1-1-2.

Sec. 2. As used in this chapter, "department" refers to the Indiana department of insurance created by IC 27-1-1-1.

Sec. 3. As used in this chapter, "nonprofit agricultural organization" means an organization:

(1) that is exempt from taxation under Section 501(c)(5) of the Internal Revenue Code;

(2) that is domiciled in Indiana;

(3) that was in existence before 1950; and

(4) the members of which include residents of every county in Indiana.

Sec. 4. As used in this chapter, "nonprofit agricultural organization coverage" means health benefit coverage that is:

(1) sponsored by:

(A) a nonprofit agricultural organization; or

(B) an affiliate of a nonprofit agricultural organization;

(2) offered only to:

(A) members of the nonprofit agricultural organization; and

(B) families of the members of the nonprofit agricultural organization;

(3) deemed by the nonprofit agricultural organization to be important in assisting its members to live long and productive lives; and

(4) offered to members of the nonprofit agricultural organization in every county in Indiana.

Sec. 5. If an organization provides nonprofit agricultural organization coverage in Indiana, the organization is subject to a nonprofit agricultural organization health coverage tax under this chapter.

Sec. 6. (a) Before March 1 of each year, an organization providing nonprofit agricultural organization coverage shall report to the department, under the oath of the president and secretary, the gross premiums received from providing nonprofit agricultural organization coverage during the twelve (12) month period ending on December 31 of the preceding calendar year.

(b) Any organization providing nonprofit agricultural organization coverage shall pay into the treasury of Indiana an amount equal to one and three-tenths percent (1.3%) of gross premiums collected during the previous calendar year. In the computation of the tax, the organization providing nonprofit agricultural organization coverage shall be entitled to deduct any annual Indiana gross premiums returned on account of cancellation or dividends returned to members or expenditures used for the purchase of reinsurance or stop-loss coverage.

(c) Payments of the nonprofit agricultural organization health coverage tax imposed by this chapter shall be made on a quarterly estimated basis. The amounts of the quarterly installments shall be computed on the basis of the total estimated tax liability for the current calendar year and the installments shall be due and payable on or before April 15, June 15, September 15, and December 15 of the current calendar year.

(d) Any balance due shall be paid on or before April 15 of the next succeeding calendar year.

(e) Any overpayment of the estimated tax during the preceding calendar year shall be allowed as a credit against the liability for the first installment of the current calendar year.

(f) If an organization providing nonprofit agricultural organization coverage fails to make any quarterly payment in an amount equal to at least:

(1) twenty-five percent (25%) of the total tax paid during the preceding calendar year; or

(2) twenty percent (20%) of the actual tax for the current calendar year;

the organization shall be liable, in addition to the amount due, for interest in the amount of one percent (1%) of the amount due and unpaid for each month or part of a month that the amount due, together with interest, remains unpaid. This interest penalty shall be exclusive of and in addition to any other fee, assessment, or charge made by the department.

(g) The nonprofit agricultural organization health coverage tax under this chapter shall be in lieu of all license fees or privilege or other tax levied or assessed by Indiana or by any municipality,

county, or other political subdivision of Indiana. No municipality, county, or other political subdivision of Indiana shall impose any license fee or privilege or other tax upon any nonprofit agricultural organization or any of its agents for the privilege of providing nonprofit agricultural organization coverage in the municipality, county, or other political subdivision, except the tax authorized by IC 22-12-6-5. However, the taxes authorized under IC 22-12-6-5 shall be credited against the taxes provided for under this chapter. This section shall not be construed to prohibit the levy and collection of state, county, or municipal taxes upon real and tangible personal property of an organization providing nonprofit agricultural organization coverage or to prohibit the levy of any retaliatory tax, fine, penalty, or fee provided by law. However, all organizations providing nonprofit agricultural organization coverage paying taxes in Indiana predicated in part on their income from nonprofit agricultural organization coverage provided shall have the same rights and privileges from further taxation, and shall be given the same credits wherever applicable, as those set out for insurance companies paying only a tax on premiums as set out in IC 27-1-18-2.

(h) Any organization providing nonprofit agricultural organization coverage that fails or refuses, for more than thirty (30) days, to:

(1) render an accurate account of its receipts as provided in this chapter; and

(2) pay the nonprofit agricultural organization health coverage tax due thereon;

shall be subject to a penalty of one hundred dollars ($100) for each additional day such report and payment shall be delayed, not to exceed a maximum penalty of ten thousand dollars ($10,000). The penalty may be ordered by the commissioner after a hearing under IC 4-21.5-3. The commissioner may revoke all authority of the defaulting nonprofit agricultural organization to provide nonprofit agricultural organization coverage or suspend the nonprofit agricultural organization's authority during the period of the default, in the discretion of the commissioner.

SECTION 39. IC 20-24-7-6, AS AMENDED BY P.L.244-2017,

SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. **(a)** With the approval of a majority of the members of the governing body, a school corporation may distribute a proportionate share of the school corporation's operations fund to a charter school. **A charter school may elect to distribute a proportionate share of the charter school's operations fund to the school corporation in whose district the charter school is located.**

(b) A governing body may distribute money that is received as part of a tax levy collected under IC 20-46-1 from the school corporation's education fund to a charter school, excluding a virtual charter school, in the manner provided by IC 20-46-1-8(d).

(c) A governing body may distribute money from the school safety referendum tax levy fund to a charter school, excluding a virtual charter school, in the manner prescribed by IC 20-46-9-6(b).

SECTION 40. IC 20-40-3-5, AS AMENDED BY P.L.244-2017, SECTION 75, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. **(a)** Money in the fund may be used for any lawful school expenses, including making a transfer to the school corporation's education fund (IC 20-40-2) or operations fund (IC 20-40-18).

(b) A school corporation may distribute proceeds of a tax levy collected under IC 20-46-1 that is transferred to the school corporation's education fund to a charter school, excluding a virtual charter school, that is located within the attendance area of the school corporation.

SECTION 41. IC 20-40-20-6, AS ADDED BY P.L.272-2019, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) Subject to subsections ~~(b) and (c),~~ **(c) and (d),** money in the fund may be used only for the following purposes:

(1) To employ or compensate a school resource officer or school resource officers.

(2) To establish or fund a school safety office.

(3) To conduct a threat assessment of a school building.

(4) To create or update a school safety plan.

(5) To develop or update school emergency response systems.

(6) To purchase equipment to improve the safety of a school building, school grounds, or school buses.

(7) To pay capital expenses to improve the safety of a school building.

(8) To establish and administer programs to address youth specific mental illness, addiction, anger management, bullying, and school violence.

(9) To develop and administer professional development programs for teachers, administrators, and other school employees designed to improve school safety and reduce violence.

(b) A school corporation may distribute, with the approval of the majority of members of the governing body, a portion of the proceeds of a tax levy collected under IC 20-46-9 that is deposited in the fund to a charter school, excluding a virtual charter school, that is located within the attendance area of the school corporation, to be used by the charter school for the purposes described in subsection (a).

~~(b)~~ **(c)** Expenditures paid using money collected from the levy shall be included in a school's safety plan.

~~(c)~~ **(d)** Local law enforcement shall participate in:

(1) development of a school safety plan;

(2) development or updates to school emergency response systems; and

(3) determination of capital expenses that would improve the safety of a school building.

~~(d)~~ **(e)** Money in the fund may be transferred to the school corporation's education fund (IC 20-40-2), operations fund (IC 20-40-18), or school safety referendum debt service fund (IC 20-40-21), as applicable, to pay for expenditures listed in subsection (a).

SECTION 42. IC 20-43-8-15, AS AMENDED BY P.L.108-2019, SECTION 230, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 15. (a) This subsection applies to the state fiscal year beginning July 1, 2019. A school corporation's career and technical education enrollment grant for a state fiscal year is the sum of the amounts determined under the following STEPS:

STEP ONE: Determine for each career and technical education program provided by the school corporation:

(A) the number of credit hours of the program (one (1) credit, two (2) credits, or three (3) credits); multiplied by

(B) the number of pupils enrolled in the program; multiplied by

(C) the following applicable amount:

(i) Six hundred eighty dollars ($680) for a career and technical education program designated by the department of workforce development as a high value program under section 7.5 of this chapter.

(ii) Four hundred dollars ($400) for a career and technical education program designated by the department of workforce development as a moderate value program under section 7.5 of this chapter.

(iii) Two hundred dollars ($200) for a career and technical education program designated by the department of workforce development as a less than moderate value program under section 7.5 of this chapter.

STEP TWO: Determine the number of pupils enrolled in an apprenticeship program, a cooperative education program, a foundational career and technical education course, or a work based learning course designated under section 7.5 of this chapter multiplied by one hundred fifty dollars ($150).

STEP THREE: Determine the number of pupils enrolled in an introductory program designated under section 7.5 of this chapter multiplied by three hundred dollars ($300).

STEP FOUR: Determine the number of pupils who travel from the school in which they are currently enrolled to another school to participate in a career and technical education program in which pupils from multiple schools are served at a common location multiplied by one hundred fifty dollars ($150).

(b) This subsection applies to state fiscal years beginning after June 30, 2020. A school corporation's career and technical education enrollment grant for a state fiscal year is the sum of the amounts determined under the following STEPS:

STEP ONE: Determine for each career and technical education program provided by the school corporation:

(A) the number of credit hours of the program (one (1) credit, two (2) credits, or three (3) credits); multiplied by

(B) the number of pupils enrolled in the program; multiplied by

(C) the following applicable amount:

(i) Six hundred eighty dollars ($680) for a career and technical education program designated by the department of workforce development as a high value level 1 program under section 7.5 of this chapter.

(ii) One thousand twenty dollars ($1,020) for a career and technical education program designated by the department of workforce development as a high value level 2 program under section 7.5 of this chapter.

(iii) Four hundred dollars ($400) for a career and technical education program designated by the department of workforce development as a moderate value level 1 program under section 7.5 of this chapter.

(iv) Six hundred dollars ($600) for a career and technical education program designated by the department of workforce development as a moderate value level 2 program under section 7.5 of this chapter.

(v) Two hundred dollars ($200) for a career and technical education program designated by the department of workforce development as a less than moderate value level 1 program under section 7.5 of this chapter.

(vi) Three hundred dollars ($300) for a career and technical education program designated by the department of workforce development as a less than moderate value level 2 program under section 7.5 of this chapter.

STEP TWO: Determine the number of pupils enrolled in an apprenticeship program or a work based learning program designated under section 7.5 of this chapter multiplied by five hundred dollars ($500).

STEP THREE: Determine the number of pupils enrolled in an introductory program designated under section 7.5 of this chapter multiplied by three hundred dollars ($300).

STEP FOUR: Determine the number of pupils enrolled in a planning for college and career course under section 7.5 of this

chapter at the school corporation that is approved by the department of workforce development multiplied by one hundred fifty dollars ($150).

STEP FIVE: Determine the number of pupils who travel from the school in which they are currently enrolled to another school to participate in a career and technical education program in which pupils from multiple schools are served at a common location multiplied by one hundred fifty dollars ($150).

~~(c) The amount distributed under subsection (b) may not exceed one hundred thirty million dollars ($130,000,000) for a state fiscal year. If the amount determined under subsection (b) will exceed one hundred thirty million dollars ($130,000,000) for a state fiscal year, the amount distributed to each recipient during the remaining months of the state fiscal year shall be proportionately reduced so that the total reductions equal the amount of the excess for the state fiscal year.~~

SECTION 43. IC 20-46-1-8, AS AMENDED BY P.L.272-2019, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) Subject to subsection (c) and this chapter, the governing body of a school corporation may adopt a resolution to place a referendum under this chapter on the ballot for ~~either~~ **any** of the following purposes:

(1) The governing body of the school corporation determines that it cannot, in a calendar year, carry out its public educational duty unless it imposes a referendum tax levy under this chapter.

(2) The governing body of the school corporation determines that a referendum tax levy under this chapter should be imposed to replace property tax revenue that the school corporation will not receive because of the application of the credit under IC 6-1.1-20.6.

(3) The governing body makes the determination required under subdivision (1) or (2) and determines to share a portion of the referendum proceeds with a charter school, excluding a virtual charter school, in the manner prescribed in subsection (d).

(b) The governing body of the school corporation shall certify a copy of the resolution **to place a referendum on the ballot** to the following:

(1) The department of local government finance, including the

language for the question required by section 10 of this chapter, or in the case of a resolution to extend a referendum levy certified to the department of local government finance after March 15, 2016, section 10.1 of this chapter. The department shall review the language for compliance with section 10 or 10.1 of this chapter, whichever is applicable, and either approve or reject the language. The department shall send its decision to the governing body of the school corporation not more than ten (10) days after the resolution is submitted to the department. If the language is approved, the governing body of the school corporation shall certify a copy of the resolution, including the language for the question and the department's approval.

(2) The county fiscal body of each county in which the school corporation is located (for informational purposes only).

(3) The circuit court clerk of each county in which the school corporation is located.

(c) If a school safety referendum tax levy under IC 20-46-9 has been approved by the voters in a school corporation at any time in the previous three (3) years, the school corporation may not:

(1) adopt a resolution to place a referendum under this chapter on the ballot; or

(2) otherwise place a referendum under this chapter on the ballot.

(d) The resolution described in subsection (a) must indicate whether proceeds in the school corporation's education fund collected from a tax levy under this chapter will be used to provide a distribution to a charter school or charter schools, excluding a virtual charter school, under IC 20-40-3-5 as well as the amount that will be distributed to the particular charter school or charter schools. A school corporation may request from the designated charter school or charter schools any financial documentation necessary to demonstrate the financial need of the charter school or charter schools.

SECTION 44. IC 20-46-1-18, AS AMENDED BY P.L.1-2009, SECTION 126, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 18. A school corporation's levy may not be considered in the determination of the school corporation's **or a charter school's (excluding a virtual charter school)** state

tuition support distribution under IC 20-43 or the determination of any other property tax levy imposed by the school corporation.

SECTION 45. IC 20-46-9-6, AS ADDED BY P.L.272-2019, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) Subject to this chapter, the governing body of a school corporation may adopt a resolution to place a referendum under this chapter on the ballot if the governing body of the school corporation determines that a referendum levy should be imposed for measures to improve school safety as described in IC 20-40-20-6(a) **or IC 20-40-20-6(b).**

(b) A school corporation may, with the approval of the majority of members of the governing body, distribute a portion of the proceeds of a tax levy collected under this chapter that is deposited in the fund to a charter school, excluding a virtual charter school, that is located within the attendance area of the school corporation, to be used by the charter school for the purposes described in IC 20-40-20-6(a).

~~(b)~~ **(c)** The governing body of the school corporation shall certify a copy of the resolution to the following:

(1) The department of local government finance, including the language for the question required by section 9 of this chapter, or in the case of a resolution to extend a referendum levy certified to the department of local government finance, section 10 of this chapter. The department shall review the language for compliance with section 9 or 10 of this chapter, whichever is applicable, and either approve or reject the language. The department shall send its decision to the governing body of the school corporation not more than ten (10) days after the resolution is submitted to the department. If the language is approved, the governing body of the school corporation shall certify a copy of the resolution, including the language for the question and the department's approval.

(2) The county fiscal body of each county in which the school corporation is located (for informational purposes only).

(3) The circuit court clerk of each county in which the school corporation is located.

(d) The resolution described in subsection (a) must indicate whether proceeds in the school corporation's fund collected from

a tax levy under this chapter will be used to provide a distribution to a charter school or charter schools, excluding a virtual charter school, under IC 20-40-20-6(b) as well as the amount that will be distributed to the particular charter school or charter schools. A school corporation may request from the designated charter school or charter schools any financial documentation necessary to demonstrate the financial need of the charter school or charter schools.

SECTION 46. IC 36-7-4-1103, AS AMENDED BY P.L.119-2012, SECTION 195, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1103. ~~(a) This section does not apply to a plan commission exercising jurisdiction in a county having a population of more than twenty thousand nine hundred (20,900) but less than twenty-one thousand (21,000).~~

~~(b)~~ **(a)** ADVISORY—AREA. For purposes of this section, urban areas include all lands and lots within the corporate boundaries of a municipality, any other lands or lots used for residential purposes where there are at least eight (8) residences within any quarter mile square area, and other lands or lots that have been or are planned for residential areas contiguous to the municipality.

~~(c)~~ **(b)** ADVISORY—AREA. This chapter does not authorize an ordinance or action of a plan commission that would prevent, outside of urban areas, the complete use and alienation of any mineral resources or forests by the owner or alienee of them.

SECTION 47. IC 36-7-14-0.5, AS AMENDED BY P.L.235-2019, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 0.5. (a) The definitions in this section apply throughout this chapter.

(b) "Obligation" means any bond, note, warrant, lease, or other instrument under which money is borrowed.

(c) "Public funds" means all fees, payments, tax receipts, and funds of whatever kind or character coming into the possession of a:

(1) redevelopment commission; or

(2) department of redevelopment.

(d) "Residential housing" means housing or workforce housing that consists of single family dwelling units sufficient to secure quality housing in reasonable proximity to employment. **The term includes**

condominiums and townhouses located within an economic development target area that is designated under IC 6-1.1-12.1-7.

(e) "Residential housing development program" means a residential housing development program for the:

(1) construction of new residential housing; or

(2) renovation of existing residential housing;

established by a commission under section 53 of this chapter.

(f) "Workforce housing" means housing that is affordable for households with earned income that is sufficient to secure quality housing in reasonable proximity to employment.

SECTION 48. IC 36-7-14-53, AS ADDED BY P.L.235-2019, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 53. (a) Subject to subsection (g), a commission may establish a residential housing development program by resolution for the construction of new residential housing or the renovation of existing residential housing **in an area within the jurisdiction of the commission** if:

(1) for a commission established by a county, the average of new, single family residential houses constructed ~~in the unincorporated~~ **within the township in which the** area ~~of the county~~ **is located** during the preceding three (3) calendar years is less than one percent (1%) of the total number of single family residential houses within ~~the unincorporated area of the county~~ **that township** on January 1 of the year in which the resolution is adopted; or

(2) for a commission established by a municipality, the average of new, single family residential houses constructed within the municipal boundaries during the preceding three (3) calendar years is less than one percent (1%) of the total number of single family residential houses within the boundaries of the municipality on January 1 of the year in which the resolution is adopted.

However, the calculations described in subdivisions (1) and (2) and the provisions of subsection (f) do not apply for purposes of establishing a residential housing development program within an economic development target area designated under IC 6-1.1-12.1-7.

(b) The program, which may include any relevant elements the

commission considers appropriate, may be adopted as part of a redevelopment plan or amendment to a redevelopment plan, and must establish an allocation area for purposes of sections 39 and 56 of this chapter for the accomplishment of the program. The program must be approved by the municipal legislative body or county executive as specified in section 17 of this chapter.

(c) The notice and hearing provisions of sections 17 and 17.5 of this chapter, including notice under section 17(c) of this chapter to a taxing unit that is wholly or partly located within an allocation area, apply to the resolution adopted under subsection (b). Judicial review of the resolution may be made under section 18 of this chapter.

(d) Before formal submission of any residential housing development program to the commission, the department of redevelopment shall:

(1) consult with persons interested in or affected by the proposed program, **including the superintendents and governing body presidents of all school corporations located within the proposed allocation area;**

(2) provide the affected neighborhood associations, residents, and township assessors with an adequate opportunity to participate in an advisory role in planning, implementing, and evaluating the proposed program; and

(3) hold ~~public meetings in the affected neighborhood~~ **at least one (1) public meeting** to obtain the views of neighborhood associations and residents **of the affected neighborhood. The department of redevelopment shall send notice thirty (30) days prior to the public meeting to the fiscal officer of all affected taxing units and to the superintendents and governing body presidents of all school corporations located within the proposed allocation area.**

(e) A residential housing development program established under this section must terminate not later than ~~twenty (20) years after the date the program is established under subsection (b).~~ **twenty-five (25) years after the date on which the first obligation was incurred to pay principal and interest on bonds or lease rentals on leases payable from tax increment revenues from the program.**

(f) The department of local government finance in cooperation with

either the appropriate county agency or the appropriate municipal agency, or both, shall determine whether a county or municipality meets the **threshold** requirements under subsection (a). **In making the determination, the department of local government finance may request information necessary to make the determination.** A county or municipality may request from the department of local government finance a report, if it exists, describing the effect of current assessed value allocated to tax increment financing allocation areas on the amount of the tax levy or proceeds and the credit for excessive property taxes under IC 6-1.1-20.6 for the taxing units within the boundaries of the residential housing development program.

(g) A program established under subsection (a) may not take effect until the governing body of each school corporation affected by the program passes a resolution approving the program.

SECTION 49. IC 36-7-32-8, AS AMENDED BY P.L.158-2019, SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 8. As used in this chapter, "income tax base period amount" means ~~the following:~~

~~(1) Except as provided in subdivision (2),~~ the aggregate amount of the following taxes paid by employees employed in the territory comprising a certified technology park with respect to wages and salary earned for work in the certified technology park for the state fiscal year that precedes the date on which the certified technology park was designated under section 11 of this chapter:

~~(A)~~ **(1)** The adjusted gross income tax.

~~(B)~~ **(2)** The local income tax (IC 6-3.6).

~~(2) In the case of a certified technology park for which the amount limit under section 22(c) or 22(d) of this chapter has been exceeded, the aggregate amount of adjusted gross income taxes and local income taxes (IC 6-3.6) paid by employees employed in the territory comprising a certified technology park with respect to wages and salary earned for work in the certified technology park for:~~

~~(A) the state fiscal year in which the total deposits in the incremental tax financing fund for the certified technology park first exceeded the amount limit under section 22(c) or 22(d) of this chapter; or~~

~~(B) the state fiscal year beginning July 1, 2019, and ending June 30, 2020, in the case of a certified technology park for which the amount limit under section 22(c) or 22(d) of this chapter was exceeded before July 1, 2020.~~

SECTION 50. IC 36-7-32-8.5, AS AMENDED BY P.L.158-2019, SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 8.5. As used in this chapter, "income tax incremental amount" means the following:

(1) Except as provided in subdivision (2), the remainder of:

(A) the total amount of state adjusted gross income taxes and local income taxes paid by employees employed in the territory comprising the certified technology park with respect to wages and salary earned for work in the territory comprising the certified technology park for a particular state fiscal year; minus

(B) the sum of the:

(i) income tax base period amount as defined in section ~~8(1)~~ **8** of this chapter; and

(ii) tax credits awarded by the Indiana economic development corporation under IC 6-3.1-13 to businesses operating in a certified technology park as the result of wages earned for work in the certified technology park for the state fiscal year;

as determined by the department of state revenue.

(2) In the case of a certified technology park for which the amount limit under section 22(c) or 22(d) of this chapter has been exceeded, the remainder of:

(A) the total amount of state adjusted gross income taxes and local income taxes paid by employees employed in the territory comprising the certified technology park with respect to wages and salary earned for work in the territory comprising the certified technology park for a particular state fiscal year; minus

(B) the sum of the:

(i) income tax base period amount as defined in section ~~8(2)~~ **8** of this chapter; and

(ii) tax credits awarded by the Indiana economic

development corporation under IC 6-3.1-13 to businesses operating in a certified technology park as the result of wages earned for work in the certified technology park for the state fiscal year;

as determined by the department of state revenue.

SECTION 51. [EFFECTIVE UPON PASSAGE] **(a) The legislative council is urged to assign to the interim study committee on fiscal policy during the 2020 legislative interim the task of studying tax credits and other fiscal incentives for a film and media production program.**

(b) If the legislative council assigns the task described in subsection (a) to the interim study committee on fiscal policy during the 2020 legislative interim, the legislative services agency shall prepare a study of film and media production tax incentives in other states and submit the study to the interim study committee on fiscal policy before October 1, 2020. The study must include at least the following:

(1) Information concerning film and media production incentives offered in all other states.

(2) Information concerning the effectiveness of film and media production incentives offered in all other states.

(c) This SECTION expires July 1, 2023.

SECTION 52. [EFFECTIVE JANUARY 1, 2020 (RETROACTIVE)] **(a) IC 6-3-3-12, as amended by this act, applies only to taxable years beginning after December 31, 2019.**

(b) This SECTION expires July 1, 2021.

SECTION 53. [EFFECTIVE UPON PASSAGE] **Notwithstanding the January 1, 2020, effective date contained in P.L.121-2019, SECTION 4, the revisor of statutes shall publish IC 6-1.1-15-3, as amended by this act, effective January 1, 2019.**

SECTION 54. **An emergency is declared for this act.**

P.L.155-2020
[H.1066. Approved March 21, 2020.]

AN ACT to amend the Indiana Code concerning education.

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

SECTION 1. IC 20-19-3-20 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 20. The department shall publish the following information on the department's Internet web site:**

(1) The information reported under IC 20-29-3-15(b)(20) in the most recent report prepared under IC 20-29-3-15.

(2) The number of emergency permits granted by each school corporation, categorized by content area, during the school year or collective bargaining period covered by the most recent report prepared under IC 20-29-3-15.

(3) The total number of teaching candidates who:

(A) are currently enrolled in a teacher preparation program; or

(B) have recently completed a teacher preparation program.

(4) The increase or decrease in kindergarten through grade 12 student enrollments.

(5) The total number of teachers in Indiana.

(6) The teacher workforce growth.

(7) The administrator workforce growth.

(8) For each school corporation, the number of vacant teaching positions by:

(A) grade;

(B) subject; and

(C) required credential;

with critical shortage areas, as determined by unfilled

vacancies, highlighted for each school corporation.

SECTION 2. IC 20-19-3-22 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 22. (a) As used in this section, "eligible school" has the meaning set forth in IC 20-51-1-4.7.**

(b) The department shall prepare a report that includes the following information from the 2019-2020 school year:

(1) The following information for each school corporation, charter school, and eligible school for the fall semester or its equivalent:

(A) The number of students who:

(i) were included in the fall count of ADM for the school corporation, charter school, or eligible school; and

(ii) were not reported through the student testing number application center as having completed a course at the school corporation, charter school, or eligible school in the fall semester.

(B) To the extent possible, the number of students described in clause (A) who completed a course in the fall semester at another school and the other school did not include the student in that other school's fall count of ADM.

(C) To the extent possible, the number of students described in clause (A) who:

(i) are not students described in clause (B); and

(ii) were not reported as completing a course at the school corporation, charter school, or eligible school in the fall semester for known reasons, including moving out of state, withdrawing from school, or removal by a parent under IC 20-33-2-28 to provide instruction equivalent to that given in the public schools.

(2) The following information for each school corporation, charter school, and eligible school for the spring semester or its equivalent:

(A) The number of students who:

(i) were included in the spring count of ADM for the school corporation, charter school, or eligible school;

and

(ii) were not reported through the student testing number application center as having completed a course at the school corporation, charter school, or eligible school in the spring semester.

(B) To the extent possible, the number of students described in clause (A) who completed a course in the spring semester at another school and the other school did not include the student in the school's spring count of ADM.

(C) To the extent possible, the number of students described in clause (A) who:

(i) are not students described in clause (B); and

(ii) were not reported as completing a course at the school corporation, charter school, or eligible school in the spring semester for known reasons, including moving out of state, completing graduation requirements between the September ADM and February ADM count dates, withdrawing from school, or removal by parents under IC 20-33-2-28 to provide instruction equivalent to that given in the public schools.

(3) The following information:

(A) The number of student testing numbers assigned for each school.

(B) The number of students for each grade who participated in the most recent statewide assessment, divided by the number of students enrolled in the same grade at that particular school who are not exempted from participation in the statewide assessment because of an individualized education plan or other special education plan.

(C) The number of students who initially enroll in a school during the current school year, and the number of students who initially enrolled in the school during the immediately preceding school year.

(D) The number of students enrolled in a school that are twenty (20) years of age or older who initially enrolled in

the school after the particular student's cohort graduated.

(c) The department shall, not later than December 1, 2020:

(1) submit the report prepared under subsection (b) to the legislative council in an electronic format under IC 5-14-6;

(2) post the report on the department's Internet web site; and

(3) provide notice of the posting and a link to the report's location on the department's Internet web site to each:

(A) school and the governing body of each school corporation;

(B) charter school and the organizer and authorizer of the charter school; and

(C) eligible school and the person or agency in active charge and management of the eligible school.

(d) This section expires July 1, 2021.

SECTION 3. IC 20-23-4-21.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 21.5. (a) This section applies to a proposed community school corporation reorganization approved by the:**

(1) state board; and

(2) registered voters in the proposed community school corporation in an election held before July 1, 2020.

(b) A teacher who:

(1) is employed in a school corporation subject to this chapter;

(2) loses his or her job in the school corporation because of a reorganization under this chapter; and

(3) has received a rating of effective or highly effective on his or her most recent performance evaluation;

shall receive an employment preference over other candidates for the same vacant teaching position, for a period of not more than one (1) year after the teacher loses his or her job under subdivision (2), at the community school corporation created by a reorganization under this chapter. In order to qualify for a hiring preference for a vacant teaching position under this section, the teacher must meet the licensing or credential requirements necessary for the teacher to teach the particular grade or subject

matter for that particular teaching position.

(c) This section expires July 1, 2023.

SECTION 4. IC 20-23-4-21.6 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 21.6. (a) This section applies to a proposed community school corporation reorganization approved by the:**

(1) state board; and

(2) registered voters in the proposed community school corporation in an election held before July 1, 2020.

(b) A teacher who:

(1) is employed in a school corporation subject to this chapter;

(2) loses his or her job in the school corporation because of a reorganization under this chapter; and

(3) not later than one (1) year after the teacher loses his or her job as described in subdivision (2), is subsequently employed by a community school corporation created by a reorganization under this chapter;

retains the rights and privileges under IC 20-28-6 through IC 20-28-10 that the teacher held at the time the teacher lost his or her job in the original school corporation.

(c) This section expires July 1, 2023.

SECTION 5. IC 20-25-4-20, AS ADDED BY P.L.1-2005, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 20. **(a)** The general school laws of Indiana and all laws and parts of laws applicable to the general system of common schools in school cities, so far as not inconsistent with this chapter and other provisions of this article, and unless made inapplicable by this article, are in full force and effect in a school city to which this chapter applies.

(b) Notwithstanding IC 20-25-13, staff performance evaluation plans in a school city shall be developed and implemented as provided in IC 20-28-11.5-4.

SECTION 6. IC 20-25.7-5-5, AS AMENDED BY P.L.130-2018, SECTION 88, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) IC 20-24-5-5 (with the

exception of IC 20-24-5-5(f)) does not apply to a participating innovation network charter school that enters into an agreement with the board to reconstitute or establish an eligible school.

(b) Except as provided in subsections (c) and (d), a participating innovation network charter school must enroll any eligible student who submits a timely application for enrollment.

(c) A participating innovation network charter school that reconstitutes or establishes an eligible school may limit new admissions to the participating innovation network charter school to:

(1) ensure that any student with legal settlement in the attendance area, or in the school corporation if the school does not have a defined attendance area, may attend the charter school;

(2) ensure that a student who attends the participating innovation network charter school during a school year may continue to attend the charter school in subsequent years;

(3) allow the siblings of a student **alumnus or a current student** who attends the participating innovation network charter school to attend the charter school; ~~and~~

(4) allow preschool students who attend a Level 3 or Level 4 Paths to QUALITY program preschool to attend kindergarten at the participating innovation network charter school if the participating innovation network charter school and the school corporation or preschool provider have entered into an agreement to share services or facilities;

(5) allow each student who qualifies for free or reduced price lunch under the national school lunch program to receive preference for admission to the participating innovation network charter school if the preference is specifically provided for in the charter and is approved by the authorizer; and

(6) allow each student who attended a turnaround academy under IC 20-31-9.5 or attends a school that is located in the same school building as the participating innovation network charter school to receive preference for admission to the participating innovation network charter school if the preference is specifically provided for in the participating innovation network charter school's charter and is approved

by the authorizer of the participating innovation network charter school.

(d) A participating innovation network charter school with a curriculum that includes study in a foreign country may deny admission to a student if:

(1) the student:

(A) has completed fewer than twenty-two (22) academic credits required for graduation; and

(B) will be in the grade 11 cohort during the school year in which the student seeks to enroll in the participating innovation network charter school; or

(2) the student has been suspended (as defined in IC 20-33-8-7) or expelled (as defined in IC 20-33-8-3) during the twelve (12) months immediately preceding the student's application for enrollment for:

(A) ten (10) or more school days;

(B) a violation under IC 20-33-8-16;

(C) causing physical injury to a student, a school employee, or a visitor to the school; or

(D) a violation of a school corporation's drug or alcohol rules.

For purposes of subdivision (2)(A), student discipline received under IC 20-33-8-25(b)(7) for a violation described in subdivision (2)(B) through (2)(D) must be included in the calculation of the number of school days that a student has been suspended.

(e) A participating innovation network charter school may give enrollment preferences to children of the participating innovation network charter school's founders, governing board members, and participating innovation network charter school employees, as long as the enrollment preference under this subsection is not given to more than ten percent (10%) of the participating innovation charter school's total population and there is sufficient capacity for a program, class, grade level, or building to ensure that any student with legal settlement in the attendance area may attend the school.

(f) This subsection applies to an existing charter school that enters into an innovation network agreement with the board. During the charter school's first year of operation as a participating innovation network charter school, the charter school

may limit admission to:

(1) those students who were enrolled in the charter school on the date it entered into the innovation network agreement; and

(2) siblings of students described in subdivision (1).

~~(f)~~ **(g)** This subsection applies if the number of applications for a program, class, grade level, or building exceeds the capacity of the program, class, grade level, or building. If a participating innovation network charter school receives a greater number of applications than there are spaces for students, each timely applicant must be given an equal chance of admission. The participating innovation network charter school that is not in a county containing a consolidated city must determine which of the applicants will be admitted to the participating innovation network charter school or the program, class, grade level, or building by random drawing in a public meeting with each timely applicant limited to one (1) entry in the drawing. However, the participating innovation network charter school located in a county with a consolidated city shall determine which of the applicants will be admitted to the participating innovation network charter school or the program, class, grade level, or building by using a publicly verifiable random selection process.

SECTION 7. IC 20-26-11-6.5, AS AMENDED BY P.L.241-2019, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 6.5. (a) Notwithstanding this chapter, a school corporation shall accept a transferring student who does not have legal settlement in the school corporation ~~and who has a parent who is a current employee of the transferee school corporation:~~

~~(1) with an annual salary of at least eight thousand dollars ($8,000); and~~

~~(2) who resides in Indiana;~~

~~if the transferee school corporation has the capacity to accept the student.~~ **if:**

(1) the student's parent is a current employee of the transferee school corporation with an annual salary of at least:

(A) eight thousand dollars ($8,000); or

(B) three thousand dollars ($3,000) earned due to being included as an employee in the extracurricular portion of

the transferee school corporation's current collective bargaining agreement;

(2) the student's parent currently resides in Indiana; and

(3) the transferee school corporation has the capacity to accept the student.

(b) If the number of students who request to transfer to a transferee school corporation under this section causes the school corporation to exceed the school corporation's maximum student capacity, the governing body shall determine which students will be admitted as transfer students by random drawing in a public meeting. However, the governing body of a school corporation located in a county with a consolidated city shall determine which students will be admitted by using a publicly verifiable random selection process.

(c) Notwithstanding this chapter and IC 20-43, if a school corporation has adopted a policy of not accepting the transfer of any student who does not have legal settlement within the school corporation, the school corporation may not enroll and may not report for purposes of state tuition support a student under this section whose parent does not meet the requirements described in subsection (a).

SECTION 8. IC 20-26-11-31, AS AMENDED BY P.L.251-2017, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 31. (a) This section applies to a school corporation **and to a charter school** that enrolls a student who has legal settlement in another school corporation for the purpose of the student receiving services from an accredited nonpublic alternative high school described in IC 20-19-2-10(e).

(b) A school corporation **or a charter school** is entitled to receive state tuition support for a student described in subsection (a) in an amount equal to:

(1) the amount received by the school corporation **or charter school** in which the student is enrolled for ADM purposes; or

(2) the amount received by the school corporation in which the student has legal settlement;

whichever is greater.

SECTION 9. IC 20-27-9-2, AS AMENDED BY P.L.144-2019, SECTION 13, AND AS AMENDED BY P.L.270-2019, SECTION 20,

IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 2. The governing body of a school corporation may allow, by written authorization, the use of a school bus or a special purpose bus for the transportation of adults at least sixty-five (65) years of age or *adults with developmental or physical disabilities.* ~~*disabled adults.*~~

SECTION 10. IC 20-27-9-5, AS AMENDED BY P.L.144-2019, SECTION 14, AND AS AMENDED BY P.L.270-2019, SECTION 21, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 5. (a) A special purpose bus may be used:

(1) by a school corporation to provide regular transportation of a student between one (1) school and another school but not between the student's residence and the school;

(2) to transport students and their supervisors, including coaches, managers, and sponsors to athletic or other extracurricular school activities and field trips;

(3) by a school corporation to provide transportation between an individual's residence and the school for an individual enrolled in a special program for the habilitation or rehabilitation of persons with a developmental or physical disability, and, if applicable, the individual's sibling;

(4) to transport homeless students under IC 20-27-12; ~~and~~

(5) by a school corporation to provide regular transportation of an individual described in section 4 or 7 of this chapter between the individual's residence and the school; **and**

~~*(5) to transport adults under section 2 of this chapter.*~~

(6) to transport students to career and technical education programs under IC 20-27-12.1.

(b) The mileage limitation of section 3 of this chapter does not apply to special purpose buses.

(c) The operator of a special purpose bus must be at least twenty-one (21) years of age, be authorized by the school corporation, and meet the following requirements:

(1) *Except as provided in subdivision (2)(B) and in addition to the license required under this subdivision,* if the special purpose bus has a capacity of less than sixteen (16) passengers, the

operator must hold a valid:

(A) operator's;

(B) chauffeur's;

(C) public passenger chauffeur's; or

(D) commercial driver's;

license.

(2) If the special purpose bus:

(A) has a capacity of more than fifteen (15) passengers; *or*

(B) is used to provide transportation to an individual described in subsection (a)(3) or (a)(5);

the operator must meet the requirements for a school bus driver set out in IC 20-27-8.

(d) A special purpose bus is not required to be constructed, equipped, or painted as specified for school buses under this article or by the rules of the committee.

(e) An owner or operator of a special purpose bus, other than a special purpose bus owned or operated by a school corporation or a nonpublic school, is subject to IC 8-2.1.

SECTION 11. IC 20-27-12.1 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]:

Chapter 12.1. Transportation of Students for Career and Technical Education Training

Sec. 1. As used in this chapter, "appropriate vehicle" has the meaning set forth in IC 20-27-12-0.1.

Sec. 2. As used in this chapter, "career and technical education" has the meaning set forth in IC 20-20-38-1.

Sec. 3. (a) A school corporation may use the following types of vehicles in transporting a student to and from a career and technical education program:

(1) If more than seven (7) students are being transported to or from a career and technical education program, a special purpose bus must be used to transport the students.

(2) If seven (7) or fewer students are being transported to or from a career and technical education program, an appropriate vehicle may be used to transport the students.

(b) The driver of a vehicle used to transport students to or from

career and technical education programs under subsection (a) must meet the qualifications set forth in IC 20-27-9-5(c).

SECTION 12. IC 20-28-8-6, AS AMENDED BY P.L.208-2017, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 6. (a) A contract entered into by a governing body and its superintendent is subject to the following conditions:

(1) If the superintendent holds a license under IC 20-28-5, the basic contract must be in the form of the regular teacher's contract.

(2) The contract may be altered or rescinded for a new one at any time by mutual consent of the governing body and the superintendent. The consent of both parties must be in writing and must be expressed in a manner consistent with this section and section 7 of this chapter.

(3) If the superintendent holds a license under IC 20-28-5, the rights of a superintendent as a teacher under any other law are not affected by the contract. However, if a right of a superintendent as a teacher under any other law conflicts with the conditions under subsection (b), subsection (b) governs.

(4) For a contract entered into or renewed after June 30, 2017, the conditions set forth under subsection (b).

(b) This subsection applies to contracts entered into or renewed after June 30, 2017. A contract entered into by a governing body and its superintendent is subject to the following conditions:

(1) The contract must be for a term of at least one (1) year and not more than three (3) years. However, a contract may be extended for not more than an additional five (5) years beyond the term of the original contract.

(2) If the contract contains a provision that establishes an amount the governing body must pay to the superintendent to buy out the contract, the amount may not be more than an amount equal to the lesser of:

(A) the superintendent's salary for any one (1) year under the contract; or

(B) two hundred fifty thousand dollars ($250,000).

A superintendent's salary under clause (A) does not include benefits or any other forms of compensation that the superintendent receives as payment under the contract other than

the superintendent's salary.

(c) This subsection applies to a governing body in which at least one (1) member is elected. After June 30, 2021, a governing body may not enter into a contract with a superintendent under this section on or after the date of the election for one (1) or more members of the governing body until January 1 of the year immediately following the year of the election. However, this subsection does not apply if the membership of the governing body does not change as a result of the particular election.

SECTION 13. IC 20-29-3-15, AS ADDED BY P.L.161-2019, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 15. (a) The board shall prepare an annual report covering the previous school year or collective bargaining period that includes at least the information described in subsection (b). Before November 15 each year, the board shall:

(1) submit the report to the budget committee, department of education, state board, and legislative council in an electronic format under IC 5-14-6; and

(2) publish the report on the state's interactive and searchable Internet web site containing local government information (the Indiana gateway for governmental units).

(b) The report must cover at least the following information:

(1) The total number of full-time public school teachers and the number of nonteaching full-time district level administrators.

(2) The average tenure of all full-time public school teachers.

(3) The number of first-year, full-time teachers hired during the previous calendar year.

(4) The number of full-time teachers who retired during the interval between the immediately preceding collective bargaining period and the previous calendar year's collective bargaining period.

(5) The overall average salary of nonteaching full-time district level administrators.

(6) The overall average salary of full-time public school teachers.

(7) The statewide average total compensation of full-time public school teachers, the statewide average daily teacher salary rate, and the statewide average annual teacher contract days.

(8) The statewide average total compensation of full-time public school administrators, the statewide average daily nonteaching, full-time, district level administrator salary rate, and the statewide average annual administrator contract days.

(9) The average salary and total compensation of full-time public school teachers for each school corporation.

(10) The average salary and total compensation of nonteaching, full-time district level administrators, including separately the superintendent, for each school corporation.

(11) The minimum full-time public school teacher salary.

(12) The maximum full-time public school teacher salary.

(13) The minimum nonteaching full-time district level administrative salary.

(14) The maximum nonteaching full-time district level administrative salary.

(15) The number of full-time public school teachers earning a salary under the statewide average.

(16) The number of full-time public school teachers earning a salary in excess of the statewide average.

(17) For each school corporation, the average salary paid to full-time public school teachers in each of the following tenure benchmarks:

(A) First year.

(B) Fifth year.

(C) Tenth year.

(D) Fifteenth year.

(E) Twentieth year.

(F) Twenty-fifth year.

(G) Thirty (30) or more years of service.

(18) For each school corporation, the nominal dollar figures for subdivisions (5), (6), (11), (12), (13), (14), and (17) in nationally recognized, open-source, state-specific cost of living index-adjusted dollars to compare to the figures described in subdivision (19).

(19) Comparative data on overall full-time public school teacher salary averages and by each of the tenure benchmarks listed in subdivision (17) in both nominal dollars and nationally

recognized, open-source, state-specific cost of living index-adjusted dollars for each of the following states:

(A) Illinois.

(B) Kentucky.

(C) Michigan.

(D) Ohio.

(E) Wisconsin.

(20) The total number of full-time teachers retained from the previous year.

(21) The total number of newly hired teachers with previous work experience in teaching.

(22) The total number of teaching candidates who:

(A) are currently enrolled in a teacher preparation program; or

(B) have recently completed a teacher preparation program.

(23) The increase or decrease in kindergarten through grade 12 student enrollments.

(24) The total number of teachers in Indiana.

(25) The teacher workforce growth.

(26) The administrator workforce growth.

(27) For each school corporation, the number of vacant teaching positions by:

(A) grade;

(B) subject; and

(C) required credential;

with critical shortage areas, as determined by unfilled vacancies, highlighted for each school corporation.

As used in this subsection, total compensation includes the monetary value of salary, wages, bonuses, stipends, supplemental payments, commissions, employment benefits, and any other form of remuneration paid for personal services.

(c) The board may require schools to submit any school corporation specific information needed to complete the report. Parties to a collective bargaining agreement shall comply with the board's requests for information necessary to complete the report.

SECTION 14. IC 20-30-3-5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 5. (a) Subject to subsection (b), each school**

corporation and charter school may place a durable poster or framed picture representing:

(1) the national motto of the United States, "In God We Trust"; and

(2) an accurate representation of the:

(A) United States flag; and

(B) Indiana state flag;

which may be positioned under the national motto described in subdivision (1);

in each school library and classroom within the school corporation or charter school.

(b) The durable poster or framed picture described in subsection (a) may be at least eleven (11) inches in height by seventeen (17) inches in width. The dimensions of the national motto described in subsection (a)(1) may be at least four (4) inches in height by fifteen (15) inches in width and include print large enough to fill the dimensions established by this subdivision.

(c) If a school corporation or charter school places a poster or framed picture under subsection (a), the representation of the United States flag and the Indiana state flag as described in subsection (a)(2) must comply with any applicable federal or state laws concerning the design, dimensions, or presentation of the respective flags.

SECTION 15. IC 20-30-6.1-3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 3. A school corporation, charter school, or nonpublic school with at least one (1) employee may provide a presentation or instruction to students explaining aspects of autism, including behaviors that students with autism may exhibit as well as student interaction with students with autism.**

SECTION 16. IC 20-32-5.1-17, AS AMENDED BY P.L.269-2019, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 17. (a) The state board shall approve two (2) or more benchmark, formative, interim, or similar assessments to identify students that require remediation and provide individualized instruction in which a school corporation, charter school, state accredited nonpublic school, or eligible school (as defined in IC 20-51-1-4.7) may receive a

grant under subsection (c). The benchmark, formative, interim, or similar assessments must show alignment, verified by a third party, to Indiana's academic standards. **The majority of the assessment reporting must indicate the degree to which students are on track for grade level proficiency and college and career readiness.** Approved assessments must also provide predictive study results for student performance on the statewide assessment under section 7 of this chapter, not later than two (2) years after the summative assessment has been first administered.

(b) A school corporation, charter school, state accredited nonpublic school, or eligible school (as defined in IC 20-51-1-4.7) may elect to administer a benchmark, formative, interim, or similar assessment described in subsection (a). If a school corporation, charter school, state accredited nonpublic school, or eligible school (as defined in IC 20-51-1-4.7) administers an assessment described in subsection (a), the school corporation, charter school, state accredited nonpublic school, or eligible school (as defined in IC 20-51-1-4.7) may prescribe the time and the manner in which the assessment is administered.

(c) If a school corporation, charter school, state accredited nonpublic school, or eligible school (as defined in IC 20-51-1-4.7) elects to administer a benchmark, formative, interim, or similar assessment described in subsection (a), the school corporation, charter school, state accredited nonpublic school, or eligible school (as defined in IC 20-51-1-4.7) is entitled to receive a grant or reimbursement from the department in an amount not to exceed the cost of the assessment. The department shall provide grants and reimbursements to a school corporation, charter school, state accredited nonpublic school, or eligible school (as defined in IC 20-51-1-4.7) under this section from money appropriated to the department for the purpose of carrying out this section.

(d) The state board and the department may not contract with, approve, or endorse the use of a single vendor to provide benchmark, formative, interim, or similar assessments for any grade level or levels of kindergarten through grade 7.

SECTION 17. IC 20-33-2-10, AS AMENDED BY P.L.144-2012, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 10. (a) Each public school shall and each private

school may require a student who initially enrolls in the school to provide:

(1) the name and address of the school the student last attended; and

(2) a certified copy of the student's birth certificate or other reliable proof of the student's date of birth.

(b) Each public school, charter school, and nonpublic school with at least one (1) employee shall provide upon request of another school a copy of a particular student's disciplinary records that are relevant to the safety of students, if the particular student currently attends the requesting school and is currently enrolled in the requesting school.

~~(b)~~ **(c)** Not more than fourteen (14) days after initial enrollment in a school, the school shall request the student's records from the school the student last attended.

~~(c)~~ **(d)** If the document described in subsection (a)(2):

(1) is not provided to the school not more than thirty (30) days after the student's enrollment; or

(2) appears to be inaccurate or fraudulent;

the school shall notify the Indiana clearinghouse for information on missing children and missing endangered adults established under IC 10-13-5-5 and determine if the student has been reported missing.

~~(d)~~ **(e)** A school in Indiana receiving a request for records shall send the records promptly to the requesting school. However, if a request is received for records to which a notice has been attached under IC 31-36-1-5 (or IC 31-6-13-6 before its repeal), the school:

(1) shall immediately notify the Indiana clearinghouse for information on missing children and missing endangered adults;

(2) may not send the school records without the authorization of the clearinghouse; and

(3) may not inform the requesting school that a notice under IC 31-36-1-5 (or IC 31-6-13-6 before its repeal) has been attached to the records.

~~(e)~~ **(f)** Notwithstanding subsection ~~(d),~~ **(e),** if a parent of a child who has enrolled in an accredited nonpublic school is in breach of a contract that conditions release of student records on the payment of outstanding tuition and other fees, the accredited nonpublic school shall provide a

requesting school sufficient verbal information to permit the requesting school to make an appropriate placement decision regarding the child. **However, the accredited nonpublic school must provide the information described in subsection (b) to the requesting school.**

SECTION 18. IC 20-33-8-18, AS AMENDED BY P.L.94-2019, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 18. (a) A principal may suspend a student for not more than ten (10) school days under section 14, 15, or 16 of this chapter. However, the student may be suspended for more than ten (10) school days under section 23 of this chapter.

(b) A principal may not suspend a student before the principal affords the student an opportunity for a meeting during which the student is entitled to the following:

(1) A written or an oral statement of the charges against the student.

(2) If the student denies the charges, a summary of the evidence against the student.

(3) An opportunity for the student to explain the student's conduct.

(c) When misconduct requires immediate removal of a student, the meeting under subsection (b) must begin as soon as reasonably possible after the student's suspension.

(d) Following a suspension, the principal shall send a written statement to the parent of the suspended student describing the following:

(1) The student's misconduct.

(2) The action taken by the principal.

(e) If a student is suspended, the student is required to complete all assignments and school work assigned during the period of the student's suspension. The principal or the principal's designee shall ensure that the student receives:

(1) notice of any assignments or school work due; ~~and~~

(2) teacher contact information in the event the student has questions regarding the assignments or school work; **and**

(3) credit, in the same manner that a student who is not suspended would receive, for any assignments or school work assigned during the period of the student's suspension that the student completes.

A student may be allowed to make up missed tests or quizzes when the student returns to school.

SECTION 19. IC 20-43-4-6, AS AMENDED BY P.L.169-2016, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 6. (a) In determining ADM, each pupil enrolled in a public school, including a charter school, and a nonpublic school is to be counted on a full-time equivalency basis if the pupil:

(1) is enrolled in a public school and a nonpublic school;

(2) has legal settlement in a school corporation; and

(3) receives instructional services from ~~the~~ **a** school corporation.

(b) For purposes of this section, full-time equivalency is calculated as follows:

STEP ONE: Determine the result of:

(A) the number of days instructional services will be provided to the pupil, not to exceed one hundred eighty (180); divided by

(B) one hundred eighty (180).

STEP TWO: Determine the result of:

(A) the pupil's public school instructional time (as defined in IC 20-30-2-1); divided by

(B) the actual public school regular instructional day (as defined in IC 20-30-2-2).

STEP THREE: Determine the result of:

(A) the STEP ONE result; multiplied by

(B) the STEP TWO result.

STEP FOUR: Determine the lesser of one (1) or the result of:

(A) the STEP THREE result; multiplied by

(B) one and five hundredths (1.05).

However, the state board may, by rules adopted under IC 4-22-2, specify an equivalent formula if the state board determines that the equivalent formula would more accurately reflect the instructional services provided by a school corporation during a period that a particular ADM count is in effect for the school corporation.

SECTION 20. IC 35-31.5-2-144, AS AMENDED BY P.L.170-2014, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 144. (a) "Governmental entity" means:

(1) the United States or any state, county, township, city, town, separate municipal corporation, special taxing district, or public school corporation;

(2) any authority, board, bureau, commission, committee, department, division, hospital, military body, or other instrumentality of any of those entities; or

(3) a state assisted college or state assisted university.

(b) For purposes of IC 35-33-5, "governmental entity" also includes a person authorized to act on behalf of a state or local agency.

(c) For purposes of IC 35-44.1, "governmental entity" also includes a charter school (as defined in IC 20-24-1-4) and an organizer (as defined in IC 20-24-1-7).

SECTION 21. [EFFECTIVE UPON PASSAGE] **(a) The provisions of SEA 2-2020 apply to an adult high school (as defined under IC 20-24-1-2.3).**

(c) This SECTION expires July 1, 2023.

SECTION 22. [EFFECTIVE JULY 1, 2020] **(a) The following definitions apply throughout this SECTION:**

(1) "Utility career cluster" means a list:

(A) compiled for purposes of college and career pathways relating to career and technical education under IC 20-32-4-1.5(g); and

(B) setting forth industries or occupational fields that:

(i) are related to the provision of utility services; and

(ii) share similar knowledge and skill training requirements.

(2) "Utility services" includes:

(A) production, transmission, or distribution of electricity;

(B) acquisition, transportation, distribution, or storage of natural gas;

(C) provision of communications service (as defined in IC 8-1-32.5-3);

(D) treatment, storage, or distribution of water; and

(E) collection or treatment of wastewater.

(b) The general assembly finds the following:

(1) Careers in utility services provide rewarding, highly stable employment in jobs that offer high wages and benefits.

(2) The number of individuals entering the utility services workforce is insufficient to keep pace with industry demand.

(3) Current Indiana college and career pathways relating to career and technical education are not presently aligned to guide students toward and into careers in utility services and meet utility services industry demand.

(c) The general assembly:

(1) urges the state board of education to approve a utility career cluster for purposes of developing sequences of courses leading to student concentrators in industries or occupational fields related to the provision of utility services under IC 20-32-4-1.5(g);

(2) urges the governor's workforce cabinet, in consultation with the state board of education, the department of education, and the department of workforce development:

(A) to create one (1) or more course sequences:

(i) each of which is comprised of courses approved by the state board of education for purposes of college and career pathways relating to career and technical education under IC 20-32-4-1.5(g); and

(ii) each of which provides students with knowledge and skills necessary for employment in an industry or occupational field in the utility career cluster; and

(B) in creating course sequences under clause (A):

(i) to consider the impact of course sequences on the long term outcomes of students; and

(ii) to prioritize course sequences that lead to high wage, high demand jobs; and

(3) urges the governor's workforce cabinet to:

(A) collect data regarding career clusters approved under subdivision (1) and course sequences created under subdivision (2) to inform decision making around approving, creating, and amending current and future career clusters and course sequence requirements; and

(B) report to the general assembly regarding data collected under clause (A).

(d) This SECTION expires July 1, 2021.

SECTION 23. **An emergency is declared for this act.**

P.L.156-2020

[H.1096. Approved March 21, 2020.]

AN ACT to amend the Indiana Code concerning general provisions.

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

SECTION 1. IC 3-6-5.6-4, AS ADDED BY P.L.170-2019, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 4. The board is comprised of the following five (5) members:

(1) The county chairmen of the major political parties of the county shall each appoint two (2) members of the board. Members of the board appointed under this subdivision:

(A) must be voters of the county; **and**

(B) serve a term of two (2) years or until their successors are appointed.

(2) The circuit court clerk, who is an ex officio member of the board.

SECTION 2. IC 3-10-9-1, AS AMENDED BY P.L.278-2019, SECTION 48, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1. This chapter applies to voting on all local public questions. ~~and to any public question under section 4(b) of this chapter.~~

SECTION 3. IC 3-11-13-33, AS AMENDED BY P.L.278-2019, SECTION 109, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 33. (a) After a voter has marked a

ballot card, the voter shall place it inside the envelope provided for this purpose or fold the ballot described in section 18(b)(1) of this chapter and return the ballot card to the judge.

(b) The judge shall offer to return the envelope with the ballot card inside to the voter. The voter shall:

(1) accept the envelope and deposit it in the ballot box; or

(2) decline the envelope and require the judge to deposit it in the ballot box.

(c) If a voter offers to vote a ballot card that is not inside the envelope provided for this purpose or with the ballot not folded as described in section 18(b)(1) of this chapter, the precinct election board shall direct the voter to return to the booth and place the ballot card in the envelope provided for this purpose or fold the ~~envelope.~~ **ballot.** After voting, a voter shall leave the polls.

(d) If a voter leaves the booth without casting a ballot, a precinct election official shall:

(1) attempt to advise the voter not to leave the polls because the voter's ballot has not been cast; and

(2) permit the voter to return to the booth to complete the process of casting the voter's ballot.

(e) If the voter has left the polls, or declines to return to the booth, the inspector shall direct both judges to do the following:

(1) Enter into the booth and place the voter's ballot inside the envelope provided or fold the ballot as described in section 18(b)(1) of this chapter.

(2) Give the envelope or folded ballot to the inspector.

The inspector shall then deposit the voter's ballot in the ballot box.

(f) After the voter's ballot has been deposited in the ballot box, the judges and the inspector shall promptly complete a form prescribed under IC 3-5-4-8 containing the following information:

(1) The name of the voter who left the polls without completing the process of casting a ballot if the voter's name is known.

(2) The approximate time that the voter left the polls.

(3) Whether the voter was advised that the voter could return to the booth to complete the casting of the ballot.

(4) A statement made under the penalties for perjury indicating that:

(A) the judges gave the voter's ballot to the inspector;

(B) the inspector deposited the voter's ballot in the ballot box; and

(C) the judges and the inspector did not make any alteration to the choices made by the voter.

The form must be signed by both judges and the inspector.

(g) After a voter's ballot cards have been deposited in the ballot box, the poll clerks shall make a voting mark after the voter's name on the poll list.

SECTION 4. IC 3-11.5-8-3, AS ADDED BY P.L.157-2019, SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 3. After making an initial determination under section 1 of this chapter and ~~process~~ **processing** the ballots under section 2 of this chapter, the county election board shall tabulate the valid absentee ballots cast on the electronic voting system.

SECTION 5. IC 3-12-13-1, AS ADDED BY P.L.34-2019, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1. For purposes of this chapter, a reference to a "county election board" includes the following:

(1) A county election board established by IC 3-6-5.

(2) A board of elections and registration. ~~established under IC 3-6-5.2 or IC 3-6-5.4.~~

SECTION 6. IC 3-12-14-1, AS ADDED BY P.L.34-2019, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1. For purposes of this chapter, a reference to a "county election board" includes the following:

(1) A county election board established by IC 3-6-5.

(2) A board of elections and registration. ~~established by IC 3-6-5.2 or IC 3-6-5.4.~~

SECTION 7. IC 4-3-27-3, AS AMENDED BY P.L.143-2019, SECTION 2, AND AS AMENDED BY P.L.237-2019, SECTION 1, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 3. The governor's workforce cabinet is established under the applicable state and federal programs to do the following:

(1) Review the services and use of funds and resources under

applicable state and federal programs and advise the governor, *general assembly, commission for higher education, and state board of education* on methods of coordinating the services and use of funds and resources consistent with the laws and regulations governing the particular applicable state and federal programs.

(2) Advise the governor, *general assembly, commission for higher education, and state board of education* on:

(A) the development and implementation of state and local standards and measures; and

(B) the coordination of the standards and measures;

concerning the applicable federal programs.

(3) Perform the duties as set forth in federal law of the particular advisory bodies for applicable federal programs described in section 4 of this chapter.

(4) Identify the workforce needs in Indiana and recommend to the governor, *general assembly, commission for higher education, and state board of education* goals to meet the investment needs.

(5) Recommend to the governor, *general assembly, commission for higher education, and state board of education* goals for the development and coordination of the talent development system in Indiana.

(6) Prepare and recommend to the governor, *general assembly, commission for higher education, and state board of education* a strategic plan to accomplish the goals developed under subdivisions (4) and (5).

(7) Monitor and direct the implementation of and evaluate the effectiveness of the strategic plan described in subdivision (6).

(8) Advise the governor, *general assembly, commission for higher education, and state board of education* on the coordination of federal, state, and local education and training programs and on the allocation of state and federal funds in Indiana to promote effective services, service delivery, and innovative programs.

(9) Review and approve regional workforce development board plans, and work with regional workforce development boards to determine appropriate metrics for workforce programming at the

state and local levels.

(10) Design for implementation a comprehensive career navigation and coaching system as described in section 11 of this chapter.

(11) Conduct a systematic and comprehensive review, analysis, and evaluation of workforce funding described in section 12 of this chapter.

(12) Conduct a systematic and comprehensive review, analysis, and evaluation of the college and career funding described in section 13 of this chapter.

(13) Based on the reviews in sections 12 and 13 of this chapter, direct the appropriate state agencies to implement administrative changes to the delivery of these programs that align with Indiana's workforce goals, and make recommendations to:

(A) the governor;

(B) the commission for higher education;

(C) the state board of education; and

(D) the ~~*legislative council*~~ *general assembly* in an ~~*in*~~ electronic format under IC 5-14-6;

on possible legislative changes in the future.

(14) Study the advisability of establishing one (1) or more real world career readiness programs as described in section 14 of this chapter and report to:

(A) the governor;

(B) the commission for higher education;

(C) the state board of education; and

(D) the ~~*legislative council*~~ *general assembly* in an electronic format under IC 5-14-6;

concerning the results of the study.

(15) Conduct a systematic and comprehensive review, analysis, and evaluation of whether:

(A) Indiana's primary, secondary, and postsecondary education systems are aligned with employer needs; and

(B) Indiana's students and workforce are prepared for success in the twenty-first century economy.

(16) Create a comprehensive strategic plan to ensure alignment between Indiana's primary, secondary, and postsecondary education systems with Indiana's workforce training programs

and employer needs.

~~*(15)*~~ **(17)** *Administer the workforce diploma reimbursement program established by IC 22-4.1-27-7.*

~~*(17)*~~ ~~*(16)*~~ **(18)** Carry out other policy duties and tasks as assigned by the governor.

SECTION 8. IC 4-17 IS REPEALED [EFFECTIVE JULY 1, 2020]. (STATE LANDS-ACQUISITION).

SECTION 9. IC 4-22-7-4, AS AMENDED BY P.L.171-2015, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: 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) **or the publisher under IC 4-22-2** under a retention schedule established by the Indiana archives and records administration.

SECTION 10. IC 4-35-7-12.5, AS AMENDED BY P.L.108-2019, SECTION 77, AND AS AMENDED BY P.L.168-2019, SECTION 19, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 12.5. ~~*(a) This section applies to adjusted gross receipts received after June 30, 2015.*~~

~~*(b)*~~ *(a)* A licensee shall annually withhold *the sum of:*

(1) the product of:

~~*(1)*~~ *(A)* seventy-five thousand dollars ($75,000); multiplied by

~~*(2)*~~ *(B)* the number of racetracks operated by the licensee;

from the amount that must be distributed under section 12(b) of this chapter; *and*

(2) forty-five hundredths percent (0.45%) of the adjusted gross receipts from the previous month at each casino operated by the licensee.

~~*(c)*~~ *(b)* A licensee shall transfer the amount withheld under subsection ~~*(b)*~~ *(a)(1)* 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).

(c) A licensee shall transfer the amount withheld under subsection (a)(2) to the Indiana horse racing commission for deposit in the Indiana horse racing commission operating fund established by IC 4-31-10-2.

SECTION 11. IC 5-1.5-8-5.1, AS ADDED BY P.L.259-2019, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 5.1. (a) The following definitions apply throughout this section:

(1) "Assignment agreement" means an agreement between a qualified entity and the issuing entity for the conveyance of all or part of any revenues or taxes received by the qualified entity from a disbursement agent.

(2) "Conveyance" means an assignment, sale, transfer, or other conveyance.

(3) "Deposit account" means a designated escrow account established by the issuing entity at a trust company or bank having trust powers for the deposit of transferred receipts under an assignment agreement.

(4) "Disbursement agent" means a state disbursement agent or local disbursement agent.

(5) "Issuing entity" means:

(A) the bank;

(B) a corporation, trust, or other entity that has been established by the bank for the limited purpose of issuing obligations for the benefit of the bank and any qualified entity; or

(C) a bank or trust company in its capacity as trustee for obligations issued by an entity identified in clause (A) or (B).

(6) "Local disbursement agent" means:

(A) the fiscal officer (as defined in IC 36-1-2-7) of the county for any county in which a qualified entity is wholly or partially located;

(B) the fiscal officer for a qualified entity; or

(C) the treasurer of a school corporation.

(7) "State disbursement agent" means the state treasurer, the state auditor, or the state department of revenue.

(8) "Transferred receipts" means all or part of any revenues or taxes received from a disbursement agent that have been conveyed by a qualified entity under an assignment agreement.

(9) "Statutory lien" has the meaning given to that term under 11 U.S.C. 101(53) of the federal bankruptcy code.

(b) Subject to approval from the board under subsection (j), any qualified entity that receives revenues or taxes from a disbursement agent may (to the extent not prohibited by any applicable statute, regulation, rule, resolution, ordinance, or agreement governing the use of the revenues or taxes) authorize, by ordinance or resolution, the conveyance of all or any portion of the revenues or taxes to an issuing entity. Any conveyance of transferred receipts shall:

(1) be made pursuant to an assignment agreement in exchange for the net proceeds of obligations issued by the issuing entity for the benefit of the qualified entity and shall, for all purposes, constitute an absolute conveyance of all right, title, and interest therein;

(2) not be deemed a pledge or other security interest for any borrowing by the qualified entity;

(3) be valid, binding, and enforceable in accordance with the terms thereof and of any related instrument, agreement, or other arrangement, including any pledge, grant of security interest, or other encumbrance made by the issuing entity to secure any obligations issued by the issuing entity for the benefit of the qualified entity; and

(4) not be subject to disavowal, disaffirmance, cancellation, or avoidance by reason of insolvency of any party, lack of consideration, or any other fact, occurrence, or state law or rule. On and after the effective date of the conveyance of the transferred receipts:

(A) the qualified entity shall have no right, title, or interest in or to the transferred receipts conveyed; and

(B) the transferred receipts conveyed shall be the property of the issuing entity to the extent necessary to pay the obligations issued by the issuing entity for the benefit of the qualified entity, and shall be received, held, and disbursed by the issuing entity in a trust fund outside the treasury of the qualified entity.

An assignment agreement may provide for the periodic reconveyance to the qualified entity of amounts of transferred receipts remaining after the payment of the obligations issued by the issuing entity for the benefit of the qualified entity.

(c) In connection with any conveyance of transferred receipts, the qualified entity is authorized to direct the applicable disbursement agent

to deposit or cause to be deposited any amount of the transferred receipts into a deposit account in order to secure the obligations issued by the issuing entity for the benefit of the qualified entity. If the qualified entity states that the direction is irrevocable, the direction shall be treated by the applicable disbursement agent as irrevocable with respect to the transferred receipts described in the direction. Notwithstanding any other law, each disbursement agent shall comply with the terms of any such direction received from a qualified entity and shall execute and deliver the acknowledgments and agreements, including escrow and similar agreements, as the qualified entity may require to effectuate the deposit of transferred receipts in accordance with the direction of the qualified entity. Notwithstanding any other law, the disbursement agent shall distribute the transferred receipts to the deposit account in accordance with the written authorization and direction from the qualified entity set forth in the assignment agreement and any related escrow and similar agreements, and upon each distribution of transferred receipts in accordance with the direction from the qualified entity, the disbursement agent shall have no further duty or responsibility with respect to the distribution of transferred receipts.

(d) Not later than the date of issuance by an issuing entity of any obligations secured by collections of transferred receipts, a certified copy of the ordinance or resolution authorizing the conveyance of the right to receive the transferred receipts, executed copies of the applicable assignment agreement, the agreement providing for the establishment of the deposit account, and a notice designating the dates that the disbursement agent's duty to distribute transferred receipts to the deposit account shall begin and end shall be filed with:

(1) the disbursement agent having custody of the transferred receipts;

(2) if the conveyance of transferred receipts consists of all or a portion of local income tax revenues under IC 6-3.6, the adopting body (as defined in IC 6-3.6-3-1) having jurisdiction over the applicable tax rate and allocations affecting such local income tax revenues; and

(3) the Indiana transparency Internet web site established under IC 5-14-3.8 in a manner prescribed by the state examiner. The state examiner shall make the information available to the

department of local government finance.

(e) Any obligations of an issuing entity issued or incurred to provide funds to purchase any transferred receipts from a qualified entity under this chapter shall be entitled to the following benefits and protections:

(1) The obligations issued by an issuing entity shall be secured by a statutory lien on the transferred receipts received, or entitled to be received, by the issuing entity that are designated as pledged for such obligations of the issuing entity. The statutory lien shall automatically attach from the time the obligations of the issuing entity are issued without further action or authorization by the issuing entity or any other entity, person, governmental authority, or officer. The statutory lien shall be valid and binding from the time the obligations of the issuing entity are executed and delivered without any physical delivery thereof or further act required, and shall be a first priority lien, unless the obligations, or the documents authorizing the obligations or providing a source of payment or security for those obligations, shall otherwise provide.

(2) The transferred receipts received or entitled to be received shall be immediately subject to the statutory lien from the time the obligations of the issuing entity are issued, and the statutory lien shall automatically attach to the transferred receipts (whether received or entitled to be received by the issuing entity) and be effective, binding, and enforceable against the issuing entity, the qualified entity, the disbursement agent, the state, and their agents, successors, transferees and creditors, and all others asserting rights therein or having claims of any kind in tort, contract, or otherwise, irrespective of whether those parties have notice of the lien and without the need for any physical delivery, recordation, filing, or further act.

(3) The statutory lien imposed by this section is automatically released and discharged with respect to amounts of transferred receipts reconveyed to the qualified entity pursuant to ~~subdivision~~ **subsection** (b)(4), effective upon the reconveyance.

(4) The statutory lien provided in this section is separate from and shall not affect any special revenues lien or other protection afforded to special revenue obligations under the federal

Bankruptcy Code.

(f) The state covenants with each qualified entity, the issuing entity, each disbursement agent, and the purchasers or owners of the issuing entity's obligations that the state will not limit or alter the rights and powers vested in the qualified entity, the issuing entity, and the state entities by this section with respect to the disposition of transferred receipts so as to impair the terms of any contract, including any assignment agreement, made by the qualified entity with the issuing entity or any contract executed by the issuing entity in connection with the issuance of obligations by the issuing entity for the benefit of the qualified entity, until all requirements with respect to the deposit by the disbursement agent of transferred receipts for the benefit of the issuing entity have been fully met and the obligations of the issuing entity related thereto have been discharged and satisfied. In addition, the state covenants with each qualified entity, the issuing entity, each disbursement agent, and the purchasers or owners of the issuing entity's obligations that the state will not limit or alter the basis on which the qualified entity's share or percentage of transferred receipts is derived, or the use of the funds, so as to impair the terms of any such contract. Nothing contained in this chapter shall be construed or interpreted as creating a debt of the state within the meaning of the limitation on or prohibition against state indebtedness under the Constitution of the State of Indiana or interpreted to construe the state as a guarantor of any debt or obligation subject to an assignment agreement under this section.

(g) In the case of a qualified entity that has authorized the conveyance of all or a portion of its local income tax revenues imposed under IC 6-3.6 and executed an assignment agreement with respect thereto, obligations of the issuing entity issued for the benefit of the qualified entity, together with the debt service owed each year thereon, shall be:

(1) included as part of the outstanding debt service of the qualified entity solely for purposes of calculating the minimum coverage ratio under IC 6-3.6-4-3; and

(2) treated as outstanding obligations of the qualified entity payable from the revenues solely for purposes of limiting the reduction of the proportional allocation of revenues under

IC 6-3.6-6-3 and IC 6-3.6-6-5.

This subsection shall not be construed as a pledge of the transferred receipts or the granting of a security interest therein by the qualified entity, and is included solely for the purpose of computing the limitations on the reductions to the tax rate and allocations set forth under IC 6-3.6-4-3, IC 6-3.6-6-3, and IC 6-3.6-6-5.

(h) The bank is authorized to create one (1) or more nonprofit corporations in order to effectuate the purposes of this chapter and the bank may grant or delegate to any such nonprofit corporation powers of the bank as may be necessary, convenient, or appropriate to carry out and effectuate the public and corporate purposes of this article.

(i) A qualified entity may not enter into assignment agreements in a manner inconsistent with the provisions of this chapter. This chapter constitutes the specific manner for exercising the power to enter into assignment agreements for purposes of IC 20-26-3, IC 36-1-3, or any other statute granting home rule power to a qualified entity.

(j) Before a qualified entity may adopt an ordinance or resolution described in subsection (b), the board must have adopted a resolution approving the qualified entity's proposed conveyance of transferred receipts to the issuing body. The resolution of the board may be preliminary in nature and may contain such terms and conditions that the board deems advisable. If, after receiving approval from the board, the qualified entity adopts an ordinance or resolution described in subsection (b), the qualified entity shall provide a certified copy of the ordinance or resolution to the bank. The bank shall notify the distressed unit appeal board of each qualified entity that adopts an ordinance or resolution under this section.

SECTION 12. IC 5-14-3-4, AS AMENDED BY P.L.255-2019, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 4. (a) The following public records are excepted from section 3 of this chapter and may not be disclosed by a public agency, unless access to the records is specifically required by a state or federal statute or is ordered by a court under the rules of discovery:

(1) Those declared confidential by state statute.

(2) Those declared confidential by rule adopted by a public agency under specific authority to classify public records as confidential granted to the public agency by statute.

(3) Those required to be kept confidential by federal law.
(4) Records containing trade secrets.
(5) Confidential financial information obtained, upon request, from a person. However, this does not include information that is filed with or received by a public agency pursuant to state statute.
(6) Information concerning research, including actual research documents, conducted under the auspices of a state educational institution, including information:

(A) concerning any negotiations made with respect to the research; and

(B) received from another party involved in the research.

(7) Grade transcripts and license examination scores obtained as part of a licensure process.
(8) Those declared confidential by or under rules adopted by the supreme court of Indiana.
(9) Patient medical records and charts created by a provider, unless the patient gives written consent under IC 16-39 or as provided under IC 16-41-8.
(10) Application information declared confidential by the Indiana economic development corporation under IC 5-28-16.
(11) A photograph, a video recording, or an audio recording of an autopsy, except as provided in IC 36-2-14-10.
(12) A Social Security number contained in the records of a public agency.
(13) The following information that is part of a foreclosure action subject to IC 32-30-10.5:

(A) Contact information for a debtor, as described in IC 32-30-10.5-8(d)(1)(B).

(B) Any document submitted to the court as part of the debtor's loss mitigation package under IC 32-30-10.5-10(a)(3).

(14) The following information obtained from a call made to a fraud hotline established under IC 36-1-8-8.5:

(A) The identity of any individual who makes a call to the fraud hotline.

(B) A report, transcript, audio recording, or other information concerning a call to the fraud hotline.

However, records described in this subdivision may be disclosed

to a law enforcement agency, a private university police department, the attorney general, the inspector general, the state examiner, or a prosecuting attorney.

(b) Except as otherwise provided by subsection (a), the following public records shall be excepted from section 3 of this chapter at the discretion of a public agency:

(1) Investigatory records of law enforcement agencies or private university police departments. For purposes of this chapter, a law enforcement recording is not an investigatory record. Law enforcement agencies or private university police departments may share investigatory records with a:

(A) person who advocates on behalf of a crime victim, including a victim advocate (as defined in IC 35-37-6-3.5) or a victim service provider (as defined in IC 35-37-6-5), for the purposes of providing services to a victim or describing services that may be available to a victim; and

(B) school corporation (as defined by IC 20-18-2-16(a)), charter school (as defined by IC 20-24-1-4), or nonpublic school (as defined by IC 20-18-2-12) for the purpose of enhancing the safety or security of a student or a school facility;

without the law enforcement agency or private university police department losing its discretion to keep those records confidential from other records requesters. However, certain law enforcement records must be made available for inspection and copying as provided in section 5 of this chapter.

(2) The work product of an attorney representing, pursuant to state employment or an appointment by a public agency:

(A) a public agency;

(B) the state; or

(C) an individual.

(3) Test questions, scoring keys, and other examination data used in administering a licensing examination, examination for employment, or academic examination before the examination is given or if it is to be given again.

(4) Scores of tests if the person is identified by name and has not consented to the release of the person's scores.

(5) The following:

(A) Records relating to negotiations between:

(i) the Indiana economic development corporation;

(ii) the ports of Indiana;

(iii) the Indiana state department of agriculture;

(iv) the Indiana finance authority;

(v) an economic development commission;

(vi) a local economic development organization that is a nonprofit corporation established under state law whose primary purpose is the promotion of industrial or business development in Indiana, the retention or expansion of Indiana businesses, or the development of entrepreneurial activities in Indiana; or

(vii) a governing body of a political subdivision;

with industrial, research, or commercial prospects, if the records are created while negotiations are in progress. However, this clause does not apply to records regarding research that is prohibited under IC 16-34.5-1-2 or any other law.

(B) Notwithstanding clause (A), the terms of the final offer of public financial resources communicated by the Indiana economic development corporation, the ports of Indiana, the Indiana finance authority, an economic development commission, or a governing body of a political subdivision to an industrial, a research, or a commercial prospect shall be available for inspection and copying under section 3 of this chapter after negotiations with that prospect have terminated.

(C) When disclosing a final offer under clause (B), the Indiana economic development corporation shall certify that the information being disclosed accurately and completely represents the terms of the final offer.

(D) Notwithstanding clause (A), an incentive agreement with an incentive recipient shall be available for inspection and copying under section 3 of this chapter after the date the incentive recipient and the Indiana economic development corporation execute the incentive agreement regardless of whether negotiations are in progress with the recipient after

that date regarding a modification or extension of the incentive agreement.

(6) Records that are intra-agency or interagency advisory or deliberative material, including material developed by a private contractor under a contract with a public agency, that are expressions of opinion or are of a speculative nature, and that are communicated for the purpose of decision making.

(7) Diaries, journals, or other personal notes serving as the functional equivalent of a diary or journal.

(8) Personnel files of public employees and files of applicants for public employment, except for:

(A) the name, compensation, job title, business address, business telephone number, job description, education and training background, previous work experience, or dates of first and last employment of present or former officers or employees of the agency;

(B) information relating to the status of any formal charges against the employee; and

(C) the factual basis for a disciplinary action in which final action has been taken and that resulted in the employee being suspended, demoted, or discharged.

However, all personnel file information shall be made available to the affected employee or the employee's representative. This subdivision does not apply to disclosure of personnel information generally on all employees or for groups of employees without the request being particularized by employee name.

(9) Minutes or records of hospital medical staff meetings.

(10) Administrative or technical information that would jeopardize a record keeping system, voting system, voter registration system, or security system.

(11) Computer programs, computer codes, computer filing systems, and other software that are owned by the public agency or entrusted to it and portions of electronic maps entrusted to a public agency by a utility.

(12) Records specifically prepared for discussion or developed during discussion in an executive session under IC 5-14-1.5-6.1. However, this subdivision does not apply to that information

required to be available for inspection and copying under subdivision (8).

(13) The work product of the legislative services agency under personnel rules approved by the legislative council.

(14) The work product of individual members and the partisan staffs of the general assembly.

(15) The identity of a donor of a gift made to a public agency if:

(A) the donor requires nondisclosure of the donor's identity as a condition of making the gift; or

(B) after the gift is made, the donor or a member of the donor's family requests nondisclosure.

(16) Library or archival records:

(A) which can be used to identify any library patron; or

(B) deposited with or acquired by a library upon a condition that the records be disclosed only:

(i) to qualified researchers;

(ii) after the passing of a period of years that is specified in the documents under which the deposit or acquisition is made; or

(iii) after the death of persons specified at the time of the acquisition or deposit.

However, nothing in this subdivision shall limit or affect contracts entered into by the Indiana state library pursuant to IC 4-1-6-8.

(17) The identity of any person who contacts the bureau of motor vehicles concerning the ability of a driver to operate a motor vehicle safely and the medical records and evaluations made by the bureau of motor vehicles staff or members of the driver licensing medical advisory board regarding the ability of a driver to operate a motor vehicle safely. However, upon written request to the commissioner of the bureau of motor vehicles, the driver must be given copies of the driver's medical records and evaluations.

(18) School safety and security measures, plans, and systems, including emergency preparedness plans developed under 511 IAC 6.1-2-2.5.

(19) A record or a part of a record, the public disclosure of which would have a reasonable likelihood of threatening public safety by exposing a vulnerability to terrorist attack. A record described

under this subdivision includes the following:

(A) A record assembled, prepared, or maintained to prevent, mitigate, or respond to an act of terrorism under IC 35-47-12-1 (before its repeal), an act of agricultural terrorism under IC 35-47-12-2 (before its repeal), or a felony terrorist offense (as defined in IC 35-50-2-18).

(B) Vulnerability assessments.

(C) Risk planning documents.

(D) Needs assessments.

(E) Threat assessments.

(F) Intelligence assessments.

(G) Domestic preparedness strategies.

(H) The location of community drinking water wells and surface water intakes.

(I) The emergency contact information of emergency responders and volunteers.

(J) Infrastructure records that disclose the configuration of critical systems such as voting system and voter registration system critical infrastructure, **and** communication, electrical, ventilation, water, and wastewater systems.

(K) Detailed drawings or specifications of structural elements, floor plans, and operating, utility, or security systems, whether in paper or electronic form, of any building or facility located on an airport (as defined in IC 8-21-1-1) that is owned, occupied, leased, or maintained by a public agency, or any part of a law enforcement recording that captures information about airport security procedures, areas, or systems. A record described in this clause may not be released for public inspection by any public agency without the prior approval of the public agency that owns, occupies, leases, or maintains the airport. Both of the following apply to the public agency that owns, occupies, leases, or maintains the airport:

(i) The public agency is responsible for determining whether the public disclosure of a record or a part of a record, including a law enforcement recording, has a reasonable likelihood of threatening public safety by exposing a security procedure, area, system, or vulnerability to terrorist attack.

(ii) The public agency must identify a record described under item (i) and clearly mark the record as "confidential and not subject to public disclosure under IC 5-14-3-4(b)(19)(J) without approval of (insert name of submitting public agency)". However, in the case of a law enforcement recording, the public agency must clearly mark the record as "confidential and not subject to public disclosure under IC 5-14-3-4(b)(19)(K) without approval of (insert name of the public agency that owns, occupies, leases, or maintains the airport)".

(L) The home address, home telephone number, and emergency contact information for any:

(i) emergency management worker (as defined in IC 10-14-3-3);

(ii) public safety officer (as defined in IC 35-47-4.5-3);

(iii) emergency medical responder (as defined in IC 16-18-2-109.8); or

(iv) advanced emergency medical technician (as defined in IC 16-18-2-6.5).

This subdivision does not apply to a record or portion of a record pertaining to a location or structure owned or protected by a public agency in the event that an act of terrorism under IC 35-47-12-1 (before its repeal), an act of agricultural terrorism under IC 35-47-12-2 (before its repeal), or a felony terrorist offense (as defined in IC 35-50-2-18) has occurred at that location or structure, unless release of the record or portion of the record would have a reasonable likelihood of threatening public safety by exposing a vulnerability of other locations or structures to terrorist attack.

(20) The following personal information concerning a customer of a municipally owned utility (as defined in IC 8-1-2-1):

(A) Telephone number.

(B) Address.

(C) Social Security number.

(21) The following personal information about a complainant contained in records of a law enforcement agency:

(A) Telephone number.

(B) The complainant's address. However, if the complainant's address is the location of the suspected crime, infraction, accident, or complaint reported, the address shall be made available for public inspection and copying.

(22) Notwithstanding subdivision (8)(A), the name, compensation, job title, business address, business telephone number, job description, education and training background, previous work experience, or dates of first employment of a law enforcement officer who is operating in an undercover capacity.

(23) Records requested by an offender that:

(A) contain personal information relating to:

(i) a correctional officer (as defined in IC 5-10-10-1.5);

(ii) a law enforcement officer (as defined in IC 35-31.5-2-185);

(iii) a judge (as defined in IC 33-38-12-3);

(iv) the victim of a crime; or

(v) a family member of a correctional officer, law enforcement officer (as defined in IC 35-31.5-2-185), judge (as defined in IC 33-38-12-3), or victim of a crime; or

(B) concern or could affect the security of a jail or correctional facility.

(24) Information concerning an individual less than eighteen (18) years of age who participates in a conference, meeting, program, or activity conducted or supervised by a state educational institution, including the following information regarding the individual or the individual's parent or guardian:

(A) Name.

(B) Address.

(C) Telephone number.

(D) Electronic mail account address.

(25) Criminal intelligence information.

(26) The following information contained in a report of unclaimed property under IC 32-34-1-26 or in a claim for unclaimed property under IC 32-34-1-36:

(A) Date of birth.

(B) Driver's license number.

(C) Taxpayer identification number.

(D) Employer identification number.

(E) Account number.

(27) Except as provided in subdivision (19) and sections 5.1 and 5.2 of this chapter, a law enforcement recording. However, before disclosing the recording, the public agency must comply with the obscuring requirements of sections 5.1 and 5.2 of this chapter, if applicable.

(28) Records relating to negotiations between a state educational institution and another entity concerning the establishment of a collaborative relationship or venture to advance the research, engagement, or educational mission of the state educational institution, if the records are created while negotiations are in progress. The terms of the final offer of public financial resources communicated by the state educational institution to an industrial, a research, or a commercial prospect shall be available for inspection and copying under section 3 of this chapter after negotiations with that prospect have terminated. However, this subdivision does not apply to records regarding research prohibited under IC 16-34.5-1-2 or any other law.

(c) Nothing contained in subsection (b) shall limit or affect the right of a person to inspect and copy a public record required or directed to be made by any statute or by any rule of a public agency.

(d) Notwithstanding any other law, a public record that is classified as confidential, other than a record concerning an adoption or patient medical records, shall be made available for inspection and copying seventy-five (75) years after the creation of that record.

(e) Only the content of a public record may form the basis for the adoption by any public agency of a rule or procedure creating an exception from disclosure under this section.

(f) Except as provided by law, a public agency may not adopt a rule or procedure that creates an exception from disclosure under this section based upon whether a public record is stored or accessed using paper, electronic media, magnetic media, optical media, or other information storage technology.

(g) Except as provided by law, a public agency may not adopt a rule or procedure nor impose any costs or liabilities that impede or restrict the reproduction or dissemination of any public record.

(h) Notwithstanding subsection (d) and section 7 of this chapter:

(1) public records subject to IC 5-15 may be destroyed only in accordance with record retention schedules under IC 5-15; or

(2) public records not subject to IC 5-15 may be destroyed in the ordinary course of business.

SECTION 13. IC 5-28-28-4, AS AMENDED BY P.L.158-2019, SECTION 1, AND AS AMENDED BY P.L.214-2019, SECTION 3, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 4. As used in this chapter, "tax credit" means a state tax liability credit under any of the following:

(1) IC 6-3.1-7 (before its expiration).

(2) IC 6-3.1-13.

(3) IC 6-3.1-26.

(4) IC 6-3.1-30.

~~*(5) IC 6-3.1-31.9.*~~

~~*(6)*~~ **(5)** *IC 6-3.1-34.*

SECTION 14. IC 6-1.1-12-15, AS AMENDED BY P.L.114-2019, SECTION 3, AND AS AMENDED BY P.L.214-2019, SECTION 7, AND AS AMENDED BY P.L.257-2019, SECTION 21, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 15. (a) Except as provided in section 17.8 of this chapter and subject to section 45 of this chapter, an individual who desires to claim the deduction provided by section 13 or 14 of this chapter must file a statement with the auditor of the county in which the individual resides. ~~*With respect to real property,*~~ *To obtain the deduction for a desired calendar year in which property taxes are first due and payable,* the statement must be completed and dated in the *immediately preceding* calendar year ~~*for which the individual wishes to obtain the deduction*~~ and filed with the county auditor on or before January 5 of the ~~*immediately succeeding*~~ calendar year ~~*With respect to a mobile home that is not assessed as real property or a manufactured home that is not assessed as real property; the statement must be filed during the twelve (12) months before March 31 of each year for which the individual wishes to obtain the deduction.*~~ *in which the property taxes are first due and payable.* The statement may be filed in person or by mail. If mailed, the mailing must be postmarked on or before the last day for filing. The

statement shall contain a sworn declaration that the individual is entitled to the deduction.

(b) In addition to the statement, the individual shall submit to the county auditor for the auditor's inspection:

(1) a pension certificate, an award of compensation, or a disability compensation check issued by the United States Department of Veterans Affairs if the individual claims the deduction provided by section 13 of this chapter;

(2) a pension certificate or an award of compensation issued by the United States Department of Veterans Affairs if the individual claims the deduction provided by section 14 of this chapter; or

(3) the appropriate certificate of eligibility issued to the individual by the Indiana department of veterans' affairs if the individual claims the deduction provided by section 13 or 14 of this chapter.

(c) If the individual claiming the deduction is under guardianship, the guardian shall file the statement required by this section. If a deceased veteran's surviving spouse is claiming the deduction, the surviving spouse shall provide the documentation necessary to establish that at the time of death the deceased veteran satisfied the requirements of section 13(a)(1) through 13(a)(4) of this chapter, ~~or~~ section 14(a)(1) through 14(a)(4) of this chapter, *or section 14(b)(2) of this chapter,* whichever applies.

(d) If the individual claiming a deduction under section 13 or 14 of this chapter is buying real property, a mobile home not assessed as real property, or a manufactured home not assessed as real property under a contract that provides that the individual is to pay property taxes for the real estate, mobile home, or manufactured home, the statement required by this section must contain the record number and page where the contract or memorandum of the contract is recorded.

SECTION 15. IC 6-1.1-12-37, AS AMENDED BY P.L.214-2019, SECTION 16, AND AS AMENDED BY P.L.257-2019, SECTION 28, AND AS AMENDED BY P.L.121-2019, SECTION 1, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 37. (a) The following definitions apply throughout this section:

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

(A) Residential real property improvements that an individual

uses as the individual's residence, including a house or garage.

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

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

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

(A) that is located in Indiana;

(B) that:

(i) the individual owns;

(ii) the individual is buying under a contract recorded in the county recorder's office, or evidenced by a memorandum of contract recorded in the county recorder's office under IC 36-2-11-20, that provides that the individual is to pay the property taxes on the residence, and that obligates the owner to convey title to the individual upon completion of all of the individual's contract obligations;

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

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

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

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

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

(1) the assessment date; or

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

If more than one (1) individual or entity qualifies property as a homestead under subsection (a)(2)(B) for an assessment date, only one (1) standard deduction from the assessed value of the homestead may be applied for the assessment date. Subject to subsection (c), the auditor of the county shall record and make the deduction for the individual or entity qualifying for the deduction.

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

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

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

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

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

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

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

(3) the names of:

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

(i) as the names appear in the records of the United States

Social Security Administration for the purposes of the issuance of a Social Security card and Social Security number; or

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

if the applicant is an individual; or

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

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

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

if the applicant is not an individual; and

(4) either:

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

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

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

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

(iii) The last five (5) digits of a preparer tax identification number that is obtained by the individual through the Internal Revenue Service of the United States.

(iv) If the individual does not have a driver's license, a state identification card, or an Internal Revenue Service preparer tax identification number, the last five (5) digits of a control number that is on a document issued to the individual by the United States government.

If a form or statement provided to the county auditor under this section, IC 6-1.1-22-8.1, or IC 6-1.1-22.5-12 includes the telephone number or part or all of the Social Security number of a party or other number

described in subdivision (4)(B) of a party, the telephone number and the Social Security number or other number described in subdivision (4)(B) included are confidential. The statement may be filed in person or by mail. If the statement is mailed, the mailing must be postmarked on or before the last day for filing. The statement applies for that first year and any succeeding year for which the deduction is allowed. ~~*With respect to real property;*~~ *To obtain the deduction for a desired calendar year in which property taxes are first due and payable,* the statement must be completed and dated in the *immediately preceding* calendar year ~~*for which the person desires to obtain the deduction*~~ and filed with the county auditor on or before January 5 of the ~~*immediately succeeding*~~ calendar year ~~*With respect to a mobile home that is not assessed as real property; the person must file the statement during the twelve (12) months before March 31 of the year for which the person desires to obtain the deduction.*~~ *in which the property taxes are first due and payable.*

(f) Except as provided in subsection (n), if a person who is receiving, or seeks to receive, the deduction provided by this section in the person's name:

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

(2) is not eligible for a deduction under this section because the person is already receiving:

(A) a deduction under this section in the person's name as an individual or a spouse; or

(B) a deduction under the law of another state that is equivalent to the deduction provided by this section;

the person must file a certified statement with the auditor of the county, notifying the auditor of the person's ineligibility, not more than sixty (60) days after the date of the change in eligibility. A person who fails to file the statement required by this subsection may, under IC 6-1.1-36-17, be liable for any additional taxes that would have been due on the property if the person had filed the statement as required by this subsection plus a civil penalty equal to ten percent (10%) of the additional taxes due. The civil penalty imposed under this subsection is in addition to any interest and penalties for a delinquent payment that

might otherwise be due. One percent (1%) of the total civil penalty collected under this subsection shall be transferred by the county to the department of local government finance for use by the department in establishing and maintaining the homestead property data base under subsection (i) and, to the extent there is money remaining, for any other purposes of the department. This amount becomes part of the property tax liability for purposes of this article.

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

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

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

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

(i) The department of local government finance shall provide secure access to county auditors to a homestead property data base that includes access to the homestead owner's name and the numbers required from the homestead owner under subsection (e)(4) for the sole purpose of verifying whether an owner is wrongly claiming a deduction under this chapter or a credit under IC 6-1.1-20.4, IC 6-1.1-20.6, or IC 6-3.6-5 (after December 31, 2016). *Each county auditor shall submit data on deductions applicable to the current tax year on or before March 15 of each year in a manner prescribed by the department of local government finance.*

(j) A county auditor may require an individual to provide evidence proving that the individual's residence is the individual's principal place

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

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

(1) The property is located in Indiana and consists of a dwelling and the real estate, not exceeding one (1) acre, that immediately surrounds that dwelling.

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

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

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

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

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

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

(2) first due and payable in 2010;

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

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

(1) a deck or patio;

(2) a gazebo; or

(3) another residential yard structure, as defined in rules adopted

by the department of local government finance (other than a swimming pool);

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

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

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

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

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

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

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

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

(o) If:

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

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

the county auditor shall inform the property owner of the county auditor's determination in writing. If a property owner's property is not

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

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

(1) either:

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

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

(2) on the assessment date:

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

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

(3) either:

(A) the individual files the certified statement required by subsection (e); or

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

An individual who satisfies the requirements of subdivisions (1) through (3) is entitled to the deduction under this section for the homestead for the assessment date, even if on the assessment date the property on which the homestead is currently located was vacant land or the construction of the dwelling that constitutes the homestead was not completed. The county auditor shall apply the deduction for the assessment date and for the assessment date in any later year in which

the homestead remains eligible for the deduction. A homestead that qualifies for the deduction under this section as provided in this subsection is considered a homestead for purposes of section 37.5 of this chapter and IC 6-1.1-20.6.

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

(r) This subsection:

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

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

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

(s) For assessment dates after 2013, the term "homestead" includes property that is owned by an individual who:

(1) is serving on active duty in any branch of the armed forces of the United States;

(2) was ordered to transfer to a location outside Indiana; and

(3) was otherwise eligible, without regard to this subsection, for the deduction under this section for the property for the assessment date immediately preceding the transfer date specified in the order described in subdivision (2).

For property to qualify under this subsection for the deduction provided by this section, the individual described in subdivisions (1) through (3) must submit to the county auditor a copy of the individual's transfer orders or other information sufficient to show that the individual was ordered to transfer to a location outside Indiana. The property continues to qualify for the deduction provided by this section until the individual

ceases to be on active duty, the property is sold, or the individual's ownership interest is otherwise terminated, whichever occurs first. Notwithstanding subsection (a)(2), the property remains a homestead regardless of whether the property continues to be the individual's principal place of residence after the individual transfers to a location outside Indiana. The property continues to qualify as a homestead under this subsection if the property is leased while the individual is away from Indiana and is serving on active duty, if the individual has lived at the property at any time during the past ten (10) years. Otherwise, the property ceases to qualify as a homestead under this subsection if the property is leased while the individual is away from Indiana. Property that qualifies as a homestead under this subsection shall also be construed as a homestead for purposes of section 37.5 of this chapter.

SECTION 16. IC 6-1.1-15-1.1, AS AMENDED BY P.L.195-2019, SECTION 1, AND AS AMENDED BY P.L.257-2019, SECTION 30, AND AS AMENDED BY P.L.121-2019, SECTION 2, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1.1. (a) A taxpayer may appeal an assessment of a taxpayer's tangible property by filing a notice in writing with the township assessor, or the county assessor if the township is not served by a township assessor. Except as provided in ~~*subsection*~~ *subsections* (e) *and (h),* an appeal under this section may raise any claim of an error related to the following:

(1) The assessed value of the property.

(2) The assessment was against the wrong person.

(3) The approval, denial, or omission of a deduction, credit, exemption, abatement, or tax cap.

(4) A clerical, mathematical, or typographical mistake.

(5) The description of the real property.

(6) The legality or constitutionality of a property tax or assessment.

A written notice under this section must be made on a form designated by the department of local government finance. A taxpayer must file a separate petition for each parcel.

(b) A taxpayer may appeal an error in the assessed value of the property under subsection (a)(1) any time after the official's action, but not later than the following:

(1) For assessments before January 1, 2019, the earlier of:

(A) forty-five (45) days after the date on which the notice of assessment is mailed by the county; or

(B) forty-five (45) days after the date on which the tax statement is mailed by the county treasurer, regardless of whether the assessing official changes the taxpayer's assessment.

(2) For assessments *of real property* after December 31, 2018, the earlier of:

(A) June 15 of the assessment year, if the notice of assessment is mailed by the county before May 1 of the assessment year; or

(B) June 15 of the year in which the tax statement is mailed by the county treasurer, if the notice of assessment is mailed by the county on or after May 1 of the assessment year.

(3) For assessments of personal property, forty-five (45) days after the date on which the county mails the notice under IC 6-1.1-3-20.

A taxpayer may appeal an error in the assessment under subsection (a)(2), (a)(3), (a)(4), (a)(5), or (a)(6) not later than three (3) years after the taxes were first due.

(c) Except as provided in subsection (d), an appeal under this section applies only to the tax year corresponding to the tax statement or other notice of action.

(d) An appeal under this section applies to a prior tax year if a county official took action regarding a prior tax year, and such action is reflected for the first time in the tax statement. A taxpayer who has timely filed a written notice of appeal under this section may be required to file a petition for each tax year, and each petition filed later must be considered timely.

(e) A taxpayer may not appeal under this section any claim of error related to the following:

(1) The denial of a deduction, exemption, abatement, or credit if the authority to approve or deny is not vested in the county board, county auditor, county assessor, or township assessor.

(2) The calculation of interest and penalties.

(3) A matter under subsection (a) if a separate appeal or review

process is statutorily prescribed.

However, a claim may be raised under this section regarding the omission or application of a deduction approved by an authority other than the county board, county auditor, county assessor, or township assessor under subdivision (2).

(f) The filing of a written notice under this section constitutes a request by the taxpayer for a preliminary informal meeting with the township assessor, or the county assessor if the township is not served by a township assessor.

(g) A county or township official who receives a written notice under this section shall forward the notice to:

(1) the county board; *and*

(2) the county auditor, if the taxpayer raises a claim regarding a matter that is in the discretion of the county auditor.

(h) A taxpayer may not raise any claim in an appeal under this section related to the legality or constitutionality of:

(1) a user fee (as defined in IC 33-23-1-10.5);

(2) any other charge, fee, or rate imposed by a political subdivision under any other law; or

(3) any tax imposed by a political subdivision other than a property tax.

SECTION 17. IC 6-1.1-15-4, AS AMENDED BY P.L.257-2019, SECTION 31, AND AS AMENDED BY P.L.121-2019, SECTION 6, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 4. (a) After receiving a petition for review which is filed under section 3 of this chapter, the Indiana board shall conduct a hearing at its earliest opportunity. The Indiana board may correct any errors ~~*that may have been made and adjust the assessment or exemption in accordance with the correction.*~~ *related to a claim under section 1.1 of this chapter that is within the jurisdiction of the Indiana board under IC 6-1.5-4-1.*

(b) If the Indiana board conducts a site inspection of the property as part of its review of the petition, the Indiana board shall give notice to all parties of the date and time of the site inspection. The Indiana board is not required to assess the property in question. The Indiana board shall give notice of the date fixed for the hearing, by mail, to the ~~*taxpayer and to the county assessor.*~~ *parties or a party's*

representative. The Indiana board shall give these notices at least thirty (30) days before the day fixed for the hearing unless the parties agree to a shorter period. With respect to a petition for review filed by a county assessor, the county board that made the determination under review under this section may file an amicus curiae brief in the review proceeding under this section. The expenses incurred by the county board in filing the amicus curiae brief shall be paid from the property reassessment fund under IC 6-1.1-4-27.5 of the county in which the property is located. The executive of a taxing unit may file an amicus curiae brief in the review proceeding under this section if the property ~~*whose assessment or exemption*~~ *that* is ~~*under*~~ *the subject of the* appeal is subject to assessment by that taxing unit.

(c) If a petition for review does not comply with the Indiana board's instructions for completing the form prescribed under section 3 of this chapter, the Indiana board shall return the petition to the petitioner and include a notice describing the defect in the petition. The petitioner then has thirty (30) days from the date on the notice to cure the defect and file a corrected petition. The Indiana board shall deny a corrected petition for review if it does not substantially comply with the Indiana board's instructions for completing the form prescribed under section 3 of this chapter.

(d) After the hearing, the Indiana board shall give the ~~*taxpayer, the county assessor,*~~ *parties* and any entity that filed an amicus curiae brief, *or their representatives:*

(1) notice, by mail, of its final determination; and

(2) for parties entitled to appeal the final determination, notice of the procedures they must follow in order to obtain court review under section 5 of this chapter.

(e) ~~*Except as provided in subsection (f),*~~ The Indiana board shall conduct a hearing not later than ~~*nine (9) months*~~ *one (1) year* after a petition in proper form is filed with the Indiana board. ~~*excluding any time due to a delay reasonably caused by the petitioner.*~~

~~*(f) With respect to an appeal of a real property assessment that takes effect on the assessment date on which a reassessment of real property takes effect under IC 6-1.1-4-4.2, the Indiana board shall conduct a hearing not later than one (1) year after a petition in proper form is filed with the Indiana board, excluding any time due*~~

~~*to a delay reasonably caused by the petitioner.*~~

~~*(g)*~~ *(f)* ~~*Except as provided in subsection (h),*~~ The Indiana board shall ~~*make*~~ *issue* a determination not later than the later of:

(1) ninety (90) days after the hearing; or

(2) the date set in an extension order issued by the Indiana board. *The board may not extend the date by more than one hundred eighty (180) days.*

~~*(h) With respect to an appeal of a real property assessment that takes effect on the assessment date on which a reassessment of real property takes effect under IC 6-1.1-4-4.2, the Indiana board shall make a determination not later than the later of:*~~

~~*(1) one hundred eighty (180) days after the hearing; or*~~

~~*(2) the date set in an extension order issued by the Indiana board.*~~

(g) The time periods described in subsections (e) and (f) do not include any period of time that is attributable to a party's:

(1) request for a continuance, stay, extension, or summary disposition;

(2) consent to a case management order, stipulated record, or proposed hearing date;

(3) failure to comply with the board's orders or rules; or

(4) waiver of a deadline.

~~*(i)*~~ *(h)* ~~*The Indiana board may not extend the final determination date under subsection (g) or (h) by more than one hundred eighty (180) days.*~~ If the Indiana board fails to ~~*make a final determination*~~ *take action required under subsection (e) or (f),* ~~*within the time allowed by this section,*~~ the entity that initiated the petition may:

(1) take no action and wait for the Indiana board to ~~*make*~~ *hear the matter and issue* a final determination; or

(2) petition for judicial review under section 5 of this chapter.

(i) This subsection applies when the board has not held a hearing. A person may not seek judicial review under subsection (h)(2) until: ~~*the person:*~~

(1) **the person** *requests a hearing in writing; and*

(2) sixty (60) days have passed after the person requests a hearing under subdivision (1) and the matter has not been heard or otherwise extended under subsection (g).

(j) A final determination must include separately stated findings of fact for all aspects of the determination. Findings of ultimate fact must be accompanied by a concise statement of the underlying basic facts of record to support the findings. Findings must be based exclusively upon the evidence on the record in the proceeding and on matters officially noticed in the proceeding. Findings must be based upon a preponderance of the evidence.

(k) The Indiana board may limit the scope of the appeal to the issues raised in the petition and the evaluation of the evidence presented to the county board in support of those issues only if all parties participating in the hearing required under subsection (a) agree to the limitation. A party participating in the hearing required under subsection (a) is entitled to introduce evidence that is otherwise proper and admissible without regard to whether that evidence has previously been introduced at a hearing before the county board.

(l) The Indiana board may require the parties to the appeal:

(1) to file not more than five (5) business days before the date of the hearing required under subsection (a) documentary evidence or summaries of statements of testimonial evidence; and

(2) to file not more than fifteen (15) business days before the date of the hearing required under subsection (a) lists of witnesses and exhibits to be introduced at the hearing.

(m) A party to a proceeding before the Indiana board shall provide to all other parties to the proceeding the information described in subsection (l) if the other party requests the information in writing at least ten (10) days before the deadline for filing of the information under subsection (l).

(n) The Indiana board may base its final determination on a stipulation between the respondent and the petitioner. If the final determination is based on a stipulated assessed valuation of tangible property, the Indiana board may order the placement of a notation on the permanent assessment record of the tangible property that the assessed valuation was determined by stipulation. The Indiana board may:

(1) order that a final determination under this subsection has no precedential value; or

(2) specify a limited precedential value of a final determination

under this subsection.

(o) If a party to a proceeding, or a party's authorized representative, elects to receive any notice under this section by electronic mail, the notice is considered effective in the same manner as if the notice had been sent by United States mail, with postage prepaid, to the party's or representative's mailing address of record.

(p) At a hearing under this section, the Indiana board shall admit into evidence an appraisal report, prepared by an appraiser, unless the appraisal report is ruled inadmissible on grounds besides a hearsay objection. This exception to the hearsay rule shall not be construed to limit the discretion of the Indiana board, as trier of fact, to review the probative value of an appraisal report.

SECTION 18. IC 6-1.1-15-5, AS AMENDED BY P.L.257-2019, SECTION 32, AND AS AMENDED BY P.L.121-2019, SECTION 7, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 5. (a) Not later than fifteen (15) days after the Indiana board gives notice of its final determination under section 4 of this chapter to the party or the maximum allowable time for the issuance of a final determination by the Indiana board under section 4 of this chapter expires, a party to the proceeding may request a rehearing before the Indiana board. The Indiana board may conduct a rehearing and affirm or modify its final determination, giving the same notices after the rehearing as are required by section 4 of this chapter. The Indiana board has fifteen (15) days after receiving a petition for a rehearing to determine whether to grant a rehearing. Failure to grant a rehearing not later than fifteen (15) days after receiving the petition shall be treated as a final determination to deny the petition. A petition for a rehearing does not toll the time in which to file a petition for judicial review unless the petition for rehearing is granted. If the Indiana board determines to rehear a final determination, the Indiana board:

(1) may conduct the additional hearings that the Indiana board determines necessary or review the written record without additional hearings; and

(2) shall issue a final determination not later than ninety (90) days after notifying the parties that the Indiana board will rehear the final determination.

If the Indiana board fails to make a final determination within the time

allowed under subdivision (2), the entity that initiated the petition for rehearing may take no action and wait for the Indiana board to make a final determination or petition for judicial review under subsection (g).

(b) A party may petition for judicial review of the final determination of the Indiana board. ~~*regarding the assessment or exemption of tangible property.*~~ In order to obtain judicial review under this section, a party must:

(1) file a petition with the Indiana tax court;

(2) serve a copy of the petition on:

(A) the ~~*county assessor;*~~ *parties to the review by the Indiana board;*

(B) the attorney general; and

(C) any entity that filed an amicus curiae brief with the Indiana board; and

(3) file a written notice of appeal with the Indiana board informing the Indiana board of the party's intent to obtain judicial review.

Petitions for judicial review may be consolidated at the request of the appellants if it can be done in the interest of justice. The department of local government finance may intervene in an action taken under this subsection if the interpretation of a rule of the department is at issue in the action. The county assessor is a party to the review under this section.

(c) Except as provided in subsection (g), to initiate a proceeding for judicial review under this section, a party must take the action required by subsection (b) not later than:

(1) forty-five (45) days after the Indiana board gives the person notice of its final determination, unless a rehearing is conducted under subsection (a); or

(2) forty-five (45) days after the Indiana board gives the person notice under subsection (a) of its final determination, if a rehearing is conducted under subsection (a) or the maximum time elapses for the Indiana board to make a determination under this section.

(d) The failure of the Indiana board to conduct a hearing within the period prescribed in section 4(e) ~~*or 4(f)*~~ of this chapter does not constitute notice to the party of an Indiana board final determination.

(e) The county assessor may petition for judicial review to the tax court in the manner prescribed in this section. *If the county auditor*

appeared before the Indiana board concerning the matter, the county auditor may petition for judicial review to the tax court in the manner prescribed in this section.

(f) The county assessor may not be represented by the attorney general in a judicial review initiated under subsection (b) by the county assessor.

(g) If the maximum time elapses for the Indiana board to give notice of its final determination under subsection (a) or section 4 of this chapter, a party may initiate a proceeding for judicial review by taking the action required by subsection (b) at any time after the maximum time elapses. If:

(1) a judicial proceeding is initiated under this subsection; and

(2) the Indiana board has not issued a determination;

the tax court shall determine the matter de novo.

SECTION 19. IC 6-1.1-18-5, AS AMENDED BY P.L.252-2019, SECTION 3, AND AS AMENDED BY P.L.257-2019, SECTION 49, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 5. (a) If the proper officers of a political subdivision desire to appropriate more money for a particular year than the amount prescribed in the budget for that year as finally determined under this article, they shall give notice of their proposed additional appropriation. The notice shall state the time and place at which a public hearing will be held on the proposal. The notice shall be given once in accordance with IC 5-3-1-2(b).

(b) If the additional appropriation by the political subdivision is made from a fund ~~*that receives:*~~

~~*(1) distributions from the motor vehicle highway account established under IC 8-14-1-1 or the local road and street account established under IC 8-14-2-4; or*~~

~~*(2) revenue from property taxes levied under IC 6-1.1;*~~ *for which the budget, rate, or levy is certified by the department of local government finance under IC 6-1.1-17-16,*

the political subdivision must report the additional appropriation to the department of local government finance. If the additional appropriation is made from a fund described under this subsection, subsections (f), (g), (h), and (i) apply to the political subdivision.

(c) However, if the additional appropriation is not made from a fund

described under subsection (b), subsections (f), (g), (h), and (i) do not apply to the political subdivision. Subsections (f), (g), (h), and (i) do not apply to an additional appropriation made from the cumulative bridge fund if the appropriation meets the requirements under IC 8-16-3-3(c).

(d) A political subdivision may make an additional appropriation without approval of the department of local government finance if the additional appropriation is made from a fund that is not described under subsection (b). However, the fiscal officer of the political subdivision shall report the additional appropriation to the department of local government finance.

(e) *Subject to subsections (j) and (k),* after the public hearing, the proper officers of the political subdivision shall file a certified copy of their final proposal and any other relevant information to the department of local government finance.

(f) When the department of local government finance receives a certified copy of a proposal for an additional appropriation under subsection (e), the department shall determine whether sufficient funds are available or will be available for the proposal. The determination shall be made in writing and sent to the political subdivision not more than fifteen (15) days after the department of local government finance receives the proposal.

(g) In making the determination under subsection (f), the department of local government finance shall limit the amount of the additional appropriation to revenues available, or to be made available, which have not been previously appropriated.

(h) If the department of local government finance disapproves an additional appropriation under subsection (f), the department shall specify the reason for its disapproval on the determination sent to the political subdivision.

(i) A political subdivision may request a reconsideration of a determination of the department of local government finance under this section by filing a written request for reconsideration. A request for reconsideration must:

(1) be filed with the department of local government finance within fifteen (15) days of the receipt of the determination by the political subdivision; and

(2) state with reasonable specificity the reason for the request.

The department of local government finance must act on a request for reconsideration within fifteen (15) days of receiving the request.

(j) This subsection applies to an additional appropriation by a political subdivision that must have the political subdivision's annual appropriations and annual tax levy adopted by a city, town, or county fiscal body under IC 6-1.1-17-20 or IC 36-1-23 or by a legislative or fiscal body under IC 36-3-6-9. The fiscal or legislative body of the city, town, or county that adopted the political subdivision's annual appropriation and annual tax levy must adopt the additional appropriation by ordinance before the department of local government finance may approve the additional appropriation.

(k) This subsection applies to a public library that is not required to submit the public library's budgets, tax rates, and tax levies for binding review and approval under IC 6-1.1-17-20 *or IC 6-1.1-17-20.4.* If a public library subject to this subsection proposes to make an additional appropriation for a year, and the additional appropriation would result in the budget for the library for that year increasing (as compared to the previous year) by a percentage that is greater than the result of the assessed value growth quotient determined under IC 6-1.1-18.5-2 for the calendar year minus one (1), the additional appropriation must first be approved by the city, town, or county fiscal body described in IC 6-1.1-17-20.3(c) or ~~*IC 6-1.1-17-20(d),*~~ *IC 6-1.1-17-20.3(d),* as appropriate.

SECTION 20. IC 6-2.5-5-8, AS AMENDED BY P.L.108-2019, SECTION 113, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 8. (a) As used in this section, "new motor vehicle" has the meaning set forth in IC 9-13-2-111.

(b) Except as provided in subsection (j), transactions involving tangible personal property other than a new motor vehicle are exempt from the state gross retail tax if the person acquiring the property acquires it for resale, rental, or leasing in the ordinary course of the person's business without changing the form of the property.

(c) The following transactions involving a new motor vehicle are exempt from the state gross retail tax:

(1) A transaction in which a person that has a franchise in effect at the time of the transaction for the vehicle trade name, trade or service mark, or related characteristics acquires a new motor

vehicle for resale, rental, or leasing in the ordinary course of the person's business.

(2) A transaction in which a person that is a franchisee appointed by a manufacturer or converter manufacturer licensed under IC 9-23 **(before July 1, 2013) or licensed under IC 9-32 (after June 30, 2013)** acquires a new motor vehicle that has at least one (1) trade name, service mark, or related characteristic as a result of modification or further manufacture by the manufacturer or converter manufacturer for resale, rental, or leasing in the ordinary course of the person's business.

(3) A transaction in which a person acquires a new motor vehicle for rental or leasing in the ordinary course of the person's business as a rental company (as defined in IC 24-4-9-7).

(d) The rental or leasing of accommodations to a promoter by a political subdivision (including a capital improvement board) or the state fair commission is not exempt from the state gross retail tax, if the rental or leasing of the property by the promoter is exempt under IC 6-2.5-4-4.

(e) This subsection applies only to aircraft acquired after June 30, 2008. Except as provided in subsection (h), a transaction in which a person acquires an aircraft for rental or leasing in the ordinary course of the person's business is not exempt from the state gross retail tax unless the person establishes, under guidelines adopted by the department in the manner provided in IC 4-22-2-37.1 for the adoption of emergency rules, that the annual amount of the gross lease revenue derived from leasing or rental of the aircraft, which may include revenue from related party transactions, is equal to or greater than seven and five-tenths percent (7.5%) of the:

(1) book value of the aircraft, as published in the Vref Aircraft Value Reference guide for the aircraft; or

(2) net acquisition price for the aircraft.

If a person acquires an aircraft below the Vref Aircraft Value Reference guide book value, the person may appeal to the department for a lower lease or rental threshold equal to the actual acquisition price paid if the person demonstrates that the transaction was completed in a commercially reasonable manner based on the aircraft's age, condition, and equipment. The department may request the person to submit to the

department supporting documents showing the aircraft is available for general public lease or rental, copies of business and aircraft insurance policies, and other documents that assist the department in determining if an aircraft is exempt from the state gross retail tax.

(f) A person is required to meet the requirements of subsection (e) until the earlier of the date the aircraft has generated sales tax on leases or rental income that is equal to the amount of the original sales tax exemption or the elapse of thirteen (13) years. If the aircraft is sold by the person before meeting the requirements of this section and before the sale the aircraft was exempt from gross retail tax under subsection (e), the sale of the aircraft shall not result in the assessment or collection of gross retail tax for the period from the date of acquisition to the date of sale by the person.

(g) The person is required to remit the gross retail tax on taxable lease and rental transactions no matter how long the aircraft is used for lease and rental.

(h) This subsection applies only to aircraft acquired after December 31, 2007. A transaction in which a person acquires an aircraft to rent or lease the aircraft to another person for predominant use in public transportation by the other person or by an affiliate of the other person is exempt from the state gross retail tax. The department may not require a person to meet the revenue threshold in subsection (e) with respect to the person's leasing or rental of the aircraft to receive or maintain the exemption. To maintain the exemption provided under this subsection, the department may require the person to submit only annual reports showing that the aircraft is predominantly used to provide public transportation.

(i) The exemptions allowed under subsections (e) and (h) apply regardless of the relationship, if any, between the person or lessor and the lessee or renter of the aircraft.

(j) A person who purchases a motor vehicle for sharing through a peer to peer vehicle sharing program (as defined in IC 24-4-9.2-4) is not eligible for the exemption under this section.

SECTION 21. IC 6-2.5-8-7, AS AMENDED BY P.L.80-2019, SECTION 2, AND AS AMENDED BY P.L.234-2019, SECTION 6, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 7. (a) The department may, for

good cause, revoke a certificate issued under section 1, 3, or 4 of this chapter. However, the department must give the certificate holder at least five (5) days notice before it revokes the certificate under this subsection. Good cause for revocation may include the following:

(1) Failure to:

(A) file a return required under this chapter or for any tax collected for the state in trust; or

(B) remit any tax collected for the state in trust.

(2) Being charged with a violation of any provision under IC 35.

(3) Being subject to a court order under IC 7.1-2-6-7, IC 32-30-6-8, IC 32-30-7, or IC 32-30-8.

(4) Being charged with a violation of IC 23-15-12.

(5) Operating as a retail merchant where the certificate issued under section 1 of this chapter could have been denied under section 1(e) of this chapter prior to its issuance.

The department may revoke a certificate before a criminal adjudication or without a criminal charge being filed. If the department gives notice of an intent to revoke based on an alleged violation of subdivision (2), the department shall hold a public hearing to determine whether good cause exists. If the department finds in a public hearing by a preponderance of the evidence that a person has committed a violation described in subdivision (2), the department shall proceed in accordance with subsection (i) (if the violation resulted in a criminal conviction) or subsection (j) (if the violation resulted in a judgment for an infraction).

(b) The department shall revoke a certificate issued under section 1, 3, or 4 of this chapter if, for a period of three (3) years, the certificate holder fails to:

(1) file the returns required by IC 6-2.5-6-1; or

(2) report the collection of any state gross retail or use tax on the returns filed under IC 6-2.5-6-1.

However, the department must give the certificate holder at least five (5) days notice before it revokes the certificate.

(c) The department may, for good cause, revoke a certificate issued under section 1 of this chapter after at least five (5) days notice to the certificate holder if:

(1) the certificate holder is subject to an innkeeper's tax under IC 6-9; and

(2) a board, bureau, or commission established under IC 6-9 files a written statement with the department.

(d) The statement filed under subsection (c) must state that:

(1) information obtained by the board, bureau, or commission under IC 6-8.1-7-1 indicates that the certificate holder has not complied with IC 6-9; and

(2) the board, bureau, or commission has determined that significant harm will result to the county from the certificate holder's failure to comply with IC 6-9.

(e) The department shall revoke or suspend a certificate issued under section 1 of this chapter after at least five (5) days notice to the certificate holder if:

(1) the certificate holder owes taxes, penalties, fines, interest, or costs due under IC 6-1.1 that remain unpaid at least sixty (60) days after the due date under IC 6-1.1; and

(2) the treasurer of the county to which the taxes are due requests the department to revoke or suspend the certificate.

(f) The department shall reinstate a certificate suspended under subsection (e) if the taxes and any penalties due under IC 6-1.1 are paid or the county treasurer requests the department to reinstate the certificate because an agreement for the payment of taxes and any penalties due under IC 6-1.1 has been reached to the satisfaction of the county treasurer.

(g) The department shall revoke a certificate issued under section 1 of this chapter after at least five (5) days notice to the certificate holder if the department finds in a public hearing by a preponderance of the evidence that the certificate holder has violated IC 35-45-5-3, IC 35-45-5-3.5, or IC 35-45-5-4.

(h) If a person makes a payment for the certificate under section 1 or 3 of this chapter with a check, credit card, debit card, or electronic funds transfer, and the department is unable to obtain payment of the check, credit card, debit card, or electronic funds transfer for its full face amount when the check, credit card, debit card, or electronic funds transfer is presented for payment through normal banking channels, the department shall notify the person by mail that the check, credit card, debit card, or electronic funds transfer was not honored and that the person has five (5) days after the notice is mailed to pay the fee in cash,

by certified check, or other guaranteed payment. If the person fails to make the payment within the five (5) day period, the department shall revoke the certificate.

(i) If the department finds in a public hearing by a preponderance of the evidence that a person has a conviction for ~~a violation of IC 35-48-4-10.5~~ *an offense under IC 35-48-4* and the conviction involved the sale of or the offer to sell, in the normal course of business, a synthetic drug ~~or~~ *(as defined in IC 35-31.5-2-321),* a synthetic drug lookalike substance *(as defined in IC 35-31.5-2-321.5 (before its repeal on July 1, 2019)), a controlled substance analog (as defined in IC 35-48-1-9.3), or a substance represented to be a controlled substance (as described in IC 35-48-4-4.6)* by a retail merchant in a place of business for which the retail merchant has been issued a registered retail merchant certificate under section 1 of this chapter, the department:

(1) shall suspend the registered retail merchant certificate for the place of business for one (1) year; and

(2) may not issue another retail merchant certificate under section 1 of this chapter for one (1) year to any person:

(A) that:

(i) applied for; or

(ii) made a retail transaction under;

the retail merchant certificate suspended under subdivision (1); or

(B) that:

(i) owned or co-owned, directly or indirectly; or

(ii) was an officer, a director, a manager, or a partner of;

the retail merchant that was issued the retail merchant certificate suspended under subdivision (1).

(j) If the department finds in a public hearing by a preponderance of the evidence that a person has a judgment for a violation of IC 35-48-4-10.5 *(before its repeal on July 1, 2019)* as an infraction and the violation involved the sale of or the offer to sell, in the normal course of business, a synthetic drug or a synthetic drug lookalike substance by a retail merchant in a place of business for which the retail merchant has been issued a registered retail merchant certificate under section 1 of this chapter, the department:

(1) may suspend the registered retail merchant certificate for the place of business for six (6) months; and

(2) may withhold issuance of another retail merchant certificate under section 1 of this chapter for six (6) months to any person:

(A) that:

(i) applied for; or

(ii) made a retail transaction under;

the retail merchant certificate suspended under subdivision (1); or

(B) that:

(i) owned or co-owned, directly or indirectly; or

(ii) was an officer, a director, a manager, or a partner of;

the retail merchant that was issued the retail merchant certificate suspended under subdivision (1).

(k) If the department finds in a public hearing by a preponderance of the evidence that a person has a conviction for a violation of IC 35-48-4-10(d)(3) and the conviction involved an offense committed by a retail merchant in a place of business for which the retail merchant has been issued a registered retail merchant certificate under section 1 of this chapter, the department:

(1) shall suspend the registered retail merchant certificate for the place of business for one (1) year; and

(2) may not issue another retail merchant certificate under section 1 of this chapter for one (1) year to any person:

(A) that:

(i) applied for; or

(ii) made a retail transaction under;

the retail merchant certificate suspended under subdivision (1); or

(B) that:

(i) owned or co-owned, directly or indirectly; or

(ii) was an officer, a director, a manager, or a partner of;

the retail merchant that was issued the retail merchant certificate suspended under subdivision (1).

SECTION 22. IC 6-3-1-3.5, AS AMENDED BY P.L.234-2019, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 3.5. When used in this article, the term "adjusted

gross income" shall mean the following:

(a) In the case of all individuals, "adjusted gross income" (as defined in Section 62 of the Internal Revenue Code), modified as follows:

(1) Subtract income that is exempt from taxation under this article by the Constitution and statutes of the United States.

(2) Except as provided in subsection (c), add an amount equal to any deduction or deductions allowed or allowable pursuant to Section 62 of the Internal Revenue Code for taxes based on or measured by income and levied at the state level by any state of the United States.

(3) Subtract one thousand dollars ($1,000), or in the case of a joint return filed by a husband and wife, subtract for each spouse one thousand dollars ($1,000).

(4) Subtract one thousand dollars ($1,000) for:

(A) each of the exemptions provided by Section 151(c) of the Internal Revenue Code (as effective January 1, 2017);

(B) each additional amount allowable under Section 63(f) of the Internal Revenue Code; and

(C) the spouse of the taxpayer if a separate return is made by the taxpayer and if the spouse, for the calendar year in which the taxable year of the taxpayer begins, has no gross income and is not the dependent of another taxpayer.

(5) Subtract:

(A) one thousand five hundred dollars ($1,500) for each of the exemptions allowed under Section 151(c)(1)(B) of the Internal Revenue Code (as effective January 1, 2004);

(B) one thousand five hundred dollars ($1,500) for each exemption allowed under Section 151(c) of the Internal Revenue Code (as effective January 1, 2017) for an individual:

(i) who is less than nineteen (19) years of age or is a full-time student who is less than twenty-four (24) years of age;

(ii) for whom the taxpayer is the legal guardian; and

(iii) for whom the taxpayer does not claim an exemption under clause (A); and

(C) five hundred dollars ($500) for each additional amount allowable under Section 63(f)(1) of the Internal Revenue Code if the adjusted gross income of the taxpayer, or the taxpayer

and the taxpayer's spouse in the case of a joint return, is less than forty thousand dollars ($40,000).

This amount is in addition to the amount subtracted under subdivision (4).

(6) Subtract any amounts included in federal adjusted gross income under Section 111 of the Internal Revenue Code as a recovery of items previously deducted as an itemized deduction from adjusted gross income.

(7) Subtract any amounts included in federal adjusted gross income under the Internal Revenue Code which amounts were received by the individual as supplemental railroad retirement annuities under 45 U.S.C. 231 and which are not deductible under subdivision (1).

(8) Subtract an amount equal to the amount of federal Social Security and Railroad Retirement benefits included in a taxpayer's federal gross income by Section 86 of the Internal Revenue Code.

(9) In the case of a nonresident taxpayer or a resident taxpayer residing in Indiana for a period of less than the taxpayer's entire taxable year, the total amount of the deductions allowed pursuant to subdivisions (3), (4), and (5) shall be reduced to an amount which bears the same ratio to the total as the taxpayer's income taxable in Indiana bears to the taxpayer's total income.

(10) In the case of an individual who is a recipient of assistance under IC 12-10-6-1, IC 12-10-6-2.1, IC 12-15-2-2, or IC 12-15-7, subtract an amount equal to that portion of the individual's adjusted gross income with respect to which the individual is not allowed under federal law to retain an amount to pay state and local income taxes.

(11) In the case of an eligible individual, subtract the amount of a Holocaust victim's settlement payment included in the individual's federal adjusted gross income.

(12) Subtract an amount equal to the portion of any premiums paid during the taxable year by the taxpayer for a qualified long term care policy (as defined in IC 12-15-39.6-5) for the taxpayer or the taxpayer's spouse, or both.

(13) Subtract an amount equal to the lesser of:

(A) two thousand five hundred dollars ($2,500); or

(B) the amount of property taxes that are paid during the taxable year in Indiana by the individual on the individual's principal place of residence.

(14) Subtract an amount equal to the amount of a September 11 terrorist attack settlement payment included in the individual's federal adjusted gross income.

(15) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that owns property for which bonus depreciation was allowed in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election not been made under Section 168(k) of the Internal Revenue Code to apply bonus depreciation to the property in the year that it was placed in service.

(16) Add an amount equal to any deduction allowed under Section 172 of the Internal Revenue Code (concerning net operating losses).

(17) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that placed Section 179 property (as defined in Section 179 of the Internal Revenue Code) in service in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election for federal income tax purposes not been made for the year in which the property was placed in service to take deductions under Section 179 of the Internal Revenue Code in a total amount exceeding the sum of:

(A) twenty-five thousand dollars ($25,000) to the extent deductions under Section 179 of the Internal Revenue Code were not elected as provided in clause (B); and

(B) for taxable years beginning after December 31, 2017, the deductions elected under Section 179 of the Internal Revenue Code on property acquired in an exchange if:

(i) the exchange would have been eligible for nonrecognition of gain or loss under Section 1031 of the Internal Revenue Code in effect on January 1, 2017;

(ii) the exchange is not eligible for nonrecognition of gain or loss under Section 1031 of the Internal Revenue Code; and

(iii) the taxpayer made an election to take deductions under Section 179 of the Internal Revenue Code with regard to the acquired property in the year that the property was placed into service.

The amount of deductions allowable for an item of property under this clause may not exceed the amount of adjusted gross income realized on the property that would have been deferred under the Internal Revenue Code in effect on January 1, 2017.

(18) Subtract an amount equal to the amount of the taxpayer's qualified military income that was not excluded from the taxpayer's gross income for federal income tax purposes under Section 112 of the Internal Revenue Code.

(19) Subtract income that is:

(A) exempt from taxation under IC 6-3-2-21.7 (certain income derived from patents); and

(B) included in the individual's federal adjusted gross income under the Internal Revenue Code.

(20) Add an amount equal to any income not included in gross income as a result of the deferral of income arising from business indebtedness discharged in connection with the reacquisition after December 31, 2008, and before January 1, 2011, of an applicable debt instrument, as provided in Section 108(i) of the Internal Revenue Code. Subtract the amount necessary from the adjusted gross income of any taxpayer that added an amount to adjusted gross income in a previous year to offset the amount included in federal gross income as a result of the deferral of income arising from business indebtedness discharged in connection with the reacquisition after December 31, 2008, and before January 1, 2011, of an applicable debt instrument, as provided in Section 108(i) of the Internal Revenue Code.

(21) Add the amount excluded from federal gross income under Section 103 of the Internal Revenue Code for interest received on an obligation of a state other than Indiana, or a political subdivision of such a state, that is acquired by the taxpayer after December 31, 2011.

(22) Subtract an amount as described in Section 1341(a)(2) of the Internal Revenue Code to the extent, if any, that the amount was

previously included in the taxpayer's adjusted gross income for a prior taxable year.

(23) For taxable years beginning after December 25, 2016, add an amount equal to the deduction for deferred foreign income that was claimed by the taxpayer for the taxable year under Section 965(c) of the Internal Revenue Code.

(24) Subtract any interest expense paid or accrued in the current taxable year but not deducted as a result of the limitation imposed under Section 163(j)(1) of the Internal Revenue Code. Add any interest expense paid or accrued in a previous taxable year but allowed as a deduction under Section 163 of the Internal Revenue Code in the current taxable year. For purposes of this subdivision, an interest expense is considered paid or accrued only in the first taxable year the deduction would have been allowable under Section 163 of the Internal Revenue Code if the limitation under Section 163(j)(1) of the Internal Revenue Code did not exist.

(25) Subtract the amount that would have been excluded from gross income but for the enactment of Section 118(b)(2) of the Internal Revenue Code for taxable years ending after December 22, 2017.

(26) Subtract any other amounts the taxpayer is entitled to deduct under IC 6-3-2.

(b) In the case of corporations, the same as "taxable income" (as defined in Section 63 of the Internal Revenue Code) adjusted as follows:

(1) Subtract income that is exempt from taxation under this article by the Constitution and statutes of the United States.

(2) Add an amount equal to any deduction or deductions allowed or allowable pursuant to Section 170 of the Internal Revenue Code (concerning charitable contributions).

(3) Except as provided in subsection (c), add an amount equal to any deduction or deductions allowed or allowable pursuant to Section 63 of the Internal Revenue Code for taxes based on or measured by income and levied at the state level by any state of the United States.

(4) Subtract an amount equal to the amount included in the corporation's taxable income under Section 78 of the Internal Revenue Code (concerning foreign tax credits).

(5) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that owns property for which bonus depreciation was allowed in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election not been made under Section 168(k) of the Internal Revenue Code to apply bonus depreciation to the property in the year that it was placed in service.

(6) Add an amount equal to any deduction allowed under Section 172 of the Internal Revenue Code (concerning net operating losses).

(7) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that placed Section 179 property (as defined in Section 179 of the Internal Revenue Code) in service in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election for federal income tax purposes not been made for the year in which the property was placed in service to take deductions under Section 179 of the Internal Revenue Code in a total amount exceeding the sum of:

(A) twenty-five thousand dollars ($25,000) to the extent deductions under Section 179 of the Internal Revenue Code were not elected as provided in clause (B); and

(B) for taxable years beginning after December 31, 2017, the deductions elected under Section 179 of the Internal Revenue Code on property acquired in an exchange if:

(i) the exchange would have been eligible for nonrecognition of gain or loss under Section 1031 of the Internal Revenue Code in effect on January 1, 2017;

(ii) the exchange is not eligible for nonrecognition of gain or loss under Section 1031 of the Internal Revenue Code; and

(iii) the taxpayer made an election to take deductions under Section 179 of the Internal Revenue Code with regard to the acquired property in the year that the property was placed into service.

The amount of deductions allowable for an item of property under this clause may not exceed the amount of adjusted gross

income realized on the property that would have been deferred under the Internal Revenue Code in effect on January 1, 2017.

(8) Add to the extent required by IC 6-3-2-20:

(A) the amount of intangible expenses (as defined in IC 6-3-2-20) for the taxable year that reduced the corporation's taxable income (as defined in Section 63 of the Internal Revenue Code) for federal income tax purposes; and

(B) any directly related interest expenses (as defined in IC 6-3-2-20) that reduced the corporation's adjusted gross income (determined without regard to this subdivision). For purposes of this ~~subdivision,~~ **clause,** any directly related interest expense that constitutes business interest within the meaning of Section 163(j) of the Internal Revenue Code shall be considered to have reduced the taxpayer's federal taxable income only in the first taxable year in which the deduction otherwise would have been allowable under Section 163 of the Internal Revenue Code if the limitation under Section 163(j)(1) of the Internal Revenue Code did not exist.

(9) Add an amount equal to any deduction for dividends paid (as defined in Section 561 of the Internal Revenue Code) to shareholders of a captive real estate investment trust (as defined in section 34.5 of this chapter).

(10) Subtract income that is:

(A) exempt from taxation under IC 6-3-2-21.7 (certain income derived from patents); and

(B) included in the corporation's taxable income under the Internal Revenue Code.

(11) Add an amount equal to any income not included in gross income as a result of the deferral of income arising from business indebtedness discharged in connection with the reacquisition after December 31, 2008, and before January 1, 2011, of an applicable debt instrument, as provided in Section 108(i) of the Internal Revenue Code. Subtract from the adjusted gross income of any taxpayer that added an amount to adjusted gross income in a previous year the amount necessary to offset the amount included in federal gross income as a result of the deferral of income arising from business indebtedness discharged in connection with the

reacquisition after December 31, 2008, and before January 1, 2011, of an applicable debt instrument, as provided in Section 108(i) of the Internal Revenue Code.

(12) Add the amount excluded from federal gross income under Section 103 of the Internal Revenue Code for interest received on an obligation of a state other than Indiana, or a political subdivision of such a state, that is acquired by the taxpayer after December 31, 2011.

(13) For taxable years beginning after December 25, 2016:

(A) for a corporation other than a real estate investment trust, add:

(i) an amount equal to the amount reported by the taxpayer on IRC 965 Transition Tax Statement, line 1; or

(ii) if the taxpayer deducted an amount under Section 965(c) of the Internal Revenue Code in determining the taxpayer's taxable income for purposes of the federal income tax, the amount deducted under Section 965(c) of the Internal Revenue Code; and

(B) for a real estate investment trust, add an amount equal to the deduction for deferred foreign income that was claimed by the taxpayer for the taxable year under Section 965(c) of the Internal Revenue Code, but only to the extent that the taxpayer included income pursuant to Section 965 of the Internal Revenue Code in its taxable income for federal income tax purposes or is required to add back dividends paid under subdivision (9).

(14) Add an amount equal to the deduction that was claimed by the taxpayer for the taxable year under Section 250(a)(1)(B) of the Internal Revenue Code (attributable to global intangible low-taxed income). The taxpayer shall separately specify the amount of the reduction under Section 250(a)(1)(B)(i) of the Internal Revenue Code and under Section 250(a)(1)(B)(ii) of the Internal Revenue Code.

(15) Subtract any interest expense paid or accrued in the current taxable year but not deducted as a result of the limitation imposed under Section 163(j)(1) of the Internal Revenue Code. Add any interest expense paid or accrued in a previous taxable year but

allowed as a deduction under Section 163 of the Internal Revenue Code in the current taxable year. For purposes of this subdivision, an interest expense is considered paid or accrued only in the first taxable year the deduction would have been allowable under Section 163 of the Internal Revenue Code if the limitation under Section 163(j)(1) of the Internal Revenue Code did not exist.

(16) Subtract the amount that would have been excluded from gross income but for the enactment of Section 118(b)(2) of the Internal Revenue Code for taxable years ending after December 22, 2017.

(17) Add or subtract any other amounts the taxpayer is:

(A) required to add or subtract; or

(B) entitled to deduct;

under IC 6-3-2.

(c) The following apply to taxable years beginning after December 31, 2018, for purposes of the add back of any deduction allowed on the taxpayer's federal income tax return for wagering taxes, as provided in subsection (a)(2) if the taxpayer is an individual or subsection (b)(3) if the taxpayer is a corporation:

(1) For taxable years beginning after December 31, 2018, and before January 1, 2020, a taxpayer is required to add back under this section eighty-seven and five-tenths percent (87.5%) of any deduction allowed on the taxpayer's federal income tax return for wagering taxes.

(2) For taxable years beginning after December 31, 2019, and before January 1, 2021, a taxpayer is required to add back under this section seventy-five percent (75%) of any deduction allowed on the taxpayer's federal income tax return for wagering taxes.

(3) For taxable years beginning after December 31, 2020, and before January 1, 2022, a taxpayer is required to add back under this section sixty-two and five-tenths percent (62.5%) of any deduction allowed on the taxpayer's federal income tax return for wagering taxes.

(4) For taxable years beginning after December 31, 2021, and before January 1, 2023, a taxpayer is required to add back under this section fifty percent (50%) of any deduction allowed on the taxpayer's federal income tax return for wagering taxes.

(5) For taxable years beginning after December 31, 2022, and before January 1, 2024, a taxpayer is required to add back under this section thirty-seven and five-tenths percent (37.5%) of any deduction allowed on the taxpayer's federal income tax return for wagering taxes.

(6) For taxable years beginning after December 31, 2023, and before January 1, 2025, a taxpayer is required to add back under this section twenty-five percent (25%) of any deduction allowed on the taxpayer's federal income tax return for wagering taxes.

(7) For taxable years beginning after December 31, 2024, and before January 1, 2026, a taxpayer is required to add back under this section twelve and five-tenths percent (12.5%) of any deduction allowed on the taxpayer's federal income tax return for wagering taxes.

(8) For taxable years beginning after December 31, 2025, a taxpayer is not required to add back under this section any amount of a deduction allowed on the taxpayer's federal income tax return for wagering taxes.

(d) In the case of life insurance companies (as defined in Section 816(a) of the Internal Revenue Code) that are organized under Indiana law, the same as "life insurance company taxable income" (as defined in Section 801 of the Internal Revenue Code), adjusted as follows:

(1) Subtract income that is exempt from taxation under this article by the Constitution and statutes of the United States.

(2) Add an amount equal to any deduction allowed or allowable under Section 170 of the Internal Revenue Code (concerning charitable contributions).

(3) Add an amount equal to a deduction allowed or allowable under Section 805 or Section 832(c) of the Internal Revenue Code for taxes based on or measured by income and levied at the state level by any state.

(4) Subtract an amount equal to the amount included in the company's taxable income under Section 78 of the Internal Revenue Code (concerning foreign tax credits).

(5) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that owns property for which bonus depreciation was allowed in the current taxable year or in an

earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election not been made under Section 168(k) of the Internal Revenue Code to apply bonus depreciation to the property in the year that it was placed in service.

(6) Add an amount equal to any deduction allowed under Section 172 of the Internal Revenue Code (concerning net operating losses).

(7) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that placed Section 179 property (as defined in Section 179 of the Internal Revenue Code) in service in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election for federal income tax purposes not been made for the year in which the property was placed in service to take deductions under Section 179 of the Internal Revenue Code in a total amount exceeding the sum of:

(A) twenty-five thousand dollars ($25,000) to the extent deductions under Section 179 of the Internal Revenue Code were not elected as provided in clause (B); and

(B) for taxable years beginning after December 31, 2017, the deductions elected under Section 179 of the Internal Revenue Code on property acquired in an exchange if:

(i) the exchange would have been eligible for nonrecognition of gain or loss under Section 1031 of the Internal Revenue Code in effect on January 1, 2017;

(ii) the exchange is not eligible for nonrecognition of gain or loss under Section 1031 of the Internal Revenue Code; and

(iii) the taxpayer made an election to take deductions under Section 179 of the Internal Revenue Code with regard to the acquired property in the year that the property was placed into service.

The amount of deductions allowable for an item of property under this clause may not exceed the amount of adjusted gross income realized on the property that would have been deferred under the Internal Revenue Code in effect on January 1, 2017.

(8) Subtract income that is:

(A) exempt from taxation under IC 6-3-2-21.7 (certain income derived from patents); and

(B) included in the insurance company's taxable income under the Internal Revenue Code.

(9) Add an amount equal to any income not included in gross income as a result of the deferral of income arising from business indebtedness discharged in connection with the reacquisition after December 31, 2008, and before January 1, 2011, of an applicable debt instrument, as provided in Section 108(i) of the Internal Revenue Code. Subtract from the adjusted gross income of any taxpayer that added an amount to adjusted gross income in a previous year the amount necessary to offset the amount included in federal gross income as a result of the deferral of income arising from business indebtedness discharged in connection with the reacquisition after December 31, 2008, and before January 1, 2011, of an applicable debt instrument, as provided in Section 108(i) of the Internal Revenue Code.

(10) Add an amount equal to any exempt insurance income under Section 953(e) of the Internal Revenue Code that is active financing income under Subpart F of Subtitle A, Chapter 1, Subchapter N of the Internal Revenue Code.

(11) Add the amount excluded from federal gross income under Section 103 of the Internal Revenue Code for interest received on an obligation of a state other than Indiana, or a political subdivision of such a state, that is acquired by the taxpayer after December 31, 2011.

(12) For taxable years beginning after December 25, 2016, add:

(A) an amount equal to the amount reported by the taxpayer on IRC 965 Transition Tax Statement, line 1; or

(B) if the taxpayer deducted an amount under Section 965(c) of the Internal Revenue Code in determining the taxpayer's taxable income for purposes of the federal income tax, the amount deducted under Section 965(c) of the Internal Revenue Code.

(13) Add an amount equal to the deduction that was claimed by the taxpayer for the taxable year under Section 250(a)(1)(B) of the Internal Revenue Code (attributable to global intangible low-taxed

income). The taxpayer shall separately specify the amount of the reduction under Section 250(a)(1)(B)(i) of the Internal Revenue Code and under Section 250(a)(1)(B)(ii) of the Internal Revenue Code.

(14) Subtract any interest expense paid or accrued in the current taxable year but not deducted as a result of the limitation imposed under Section 163(j)(1) of the Internal Revenue Code. Add any interest expense paid or accrued in a previous taxable year but allowed as a deduction under Section 163 of the Internal Revenue Code in the current taxable year. For purposes of this subdivision, an interest expense is considered paid or accrued only in the first taxable year the deduction would have been allowable under Section 163 of the Internal Revenue Code if the limitation under Section 163(j)(1) of the Internal Revenue Code did not exist.

(15) Subtract the amount that would have been excluded from gross income but for the enactment of Section 118(b)(2) of the Internal Revenue Code for taxable years ending after December 22, 2017.

(16) Add or subtract any other amounts the taxpayer is:

(A) required to add or subtract; or

(B) entitled to deduct;

under IC 6-3-2.

(e) In the case of insurance companies subject to tax under Section 831 of the Internal Revenue Code and organized under Indiana law, the same as "taxable income" (as defined in Section 832 of the Internal Revenue Code), adjusted as follows:

(1) Subtract income that is exempt from taxation under this article by the Constitution and statutes of the United States.

(2) Add an amount equal to any deduction allowed or allowable under Section 170 of the Internal Revenue Code (concerning charitable contributions).

(3) Add an amount equal to a deduction allowed or allowable under Section 805 or Section 832(c) of the Internal Revenue Code for taxes based on or measured by income and levied at the state level by any state.

(4) Subtract an amount equal to the amount included in the company's taxable income under Section 78 of the Internal

Revenue Code (concerning foreign tax credits).

(5) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that owns property for which bonus depreciation was allowed in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election not been made under Section 168(k) of the Internal Revenue Code to apply bonus depreciation to the property in the year that it was placed in service.

(6) Add an amount equal to any deduction allowed under Section 172 of the Internal Revenue Code (concerning net operating losses).

(7) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that placed Section 179 property (as defined in Section 179 of the Internal Revenue Code) in service in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election for federal income tax purposes not been made for the year in which the property was placed in service to take deductions under Section 179 of the Internal Revenue Code in a total amount exceeding the sum of:

(A) twenty-five thousand dollars ($25,000) to the extent deductions under Section 179 of the Internal Revenue Code were not elected as provided in clause (B); and

(B) for taxable years beginning after December 31, 2017, the deductions elected under Section 179 of the Internal Revenue Code on property acquired in an exchange if:

(i) the exchange would have been eligible for nonrecognition of gain or loss under Section 1031 of the Internal Revenue Code in effect on January 1, 2017;

(ii) the exchange is not eligible for nonrecognition of gain or loss under Section 1031 of the Internal Revenue Code; and

(iii) the taxpayer made an election to take deductions under Section 179 of the Internal Revenue Code with regard to the acquired property in the year that the property was placed into service.

The amount of deductions allowable for an item of property

under this clause may not exceed the amount of adjusted gross income realized on the property that would have been deferred under the Internal Revenue Code in effect on January 1, 2017.

(8) Subtract income that is:

(A) exempt from taxation under IC 6-3-2-21.7 (certain income derived from patents); and

(B) included in the insurance company's taxable income under the Internal Revenue Code.

(9) Add an amount equal to any income not included in gross income as a result of the deferral of income arising from business indebtedness discharged in connection with the reacquisition after December 31, 2008, and before January 1, 2011, of an applicable debt instrument, as provided in Section 108(i) of the Internal Revenue Code. Subtract from the adjusted gross income of any taxpayer that added an amount to adjusted gross income in a previous year the amount necessary to offset the amount included in federal gross income as a result of the deferral of income arising from business indebtedness discharged in connection with the reacquisition after December 31, 2008, and before January 1, 2011, of an applicable debt instrument, as provided in Section 108(i) of the Internal Revenue Code.

(10) Add an amount equal to any exempt insurance income under Section 953(e) of the Internal Revenue Code that is active financing income under Subpart F of Subtitle A, Chapter 1, Subchapter N of the Internal Revenue Code.

(11) Add the amount excluded from federal gross income under Section 103 of the Internal Revenue Code for interest received on an obligation of a state other than Indiana, or a political subdivision of such a state, that is acquired by the taxpayer after December 31, 2011.

(12) For taxable years beginning after December 25, 2016, add:

(A) an amount equal to the amount reported by the taxpayer on IRC 965 Transition Tax Statement, line 1; or

(B) if the taxpayer deducted an amount under Section 965(c) of the Internal Revenue Code in determining the taxpayer's taxable income for purposes of the federal income tax, the amount deducted under Section 965(c) of the Internal Revenue

Code.

(13) Add an amount equal to the deduction that was claimed by the taxpayer for the taxable year under Section 250(a)(1)(B) of the Internal Revenue Code (attributable to global intangible low-taxed income). The taxpayer shall separately specify the amount of the reduction under Section 250(a)(1)(B)(i) of the Internal Revenue Code and under Section 250(a)(1)(B)(ii) of the Internal Revenue Code.

(14) Subtract any interest expense paid or accrued in the current taxable year but not deducted as a result of the limitation imposed under Section 163(j)(1) of the Internal Revenue Code. Add any interest expense paid or accrued in a previous taxable year but allowed as a deduction under Section 163 of the Internal Revenue Code in the current taxable year. For purposes of this subdivision, an interest expense is considered paid or accrued only in the first taxable year the deduction would have been allowable under Section 163 of the Internal Revenue Code if the limitation under Section 163(j)(1) of the Internal Revenue Code did not exist.

(15) Subtract the amount that would have been excluded from gross income but for the enactment of Section 118(b)(2) of the Internal Revenue Code for taxable years ending after December 22, 2017.

(16) Add or subtract any other amounts the taxpayer is:

(A) required to add or subtract; or

(B) entitled to deduct;

under IC 6-3-2.

(f) In the case of trusts and estates, "taxable income" (as defined for trusts and estates in Section 641(b) of the Internal Revenue Code) adjusted as follows:

(1) Subtract income that is exempt from taxation under this article by the Constitution and statutes of the United States.

(2) Subtract an amount equal to the amount of a September 11 terrorist attack settlement payment included in the federal adjusted gross income of the estate of a victim of the September 11 terrorist attack or a trust to the extent the trust benefits a victim of the September 11 terrorist attack.

(3) Add or subtract the amount necessary to make the adjusted

gross income of any taxpayer that owns property for which bonus depreciation was allowed in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election not been made under Section 168(k) of the Internal Revenue Code to apply bonus depreciation to the property in the year that it was placed in service.

(4) Add an amount equal to any deduction allowed under Section 172 of the Internal Revenue Code (concerning net operating losses).

(5) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that placed Section 179 property (as defined in Section 179 of the Internal Revenue Code) in service in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election for federal income tax purposes not been made for the year in which the property was placed in service to take deductions under Section 179 of the Internal Revenue Code in a total amount exceeding the sum of:

(A) twenty-five thousand dollars ($25,000) to the extent deductions under Section 179 of the Internal Revenue Code were not elected as provided in clause (B); and

(B) for taxable years beginning after December 31, 2017, the deductions elected under Section 179 of the Internal Revenue Code on property acquired in an exchange if:

(i) the exchange would have been eligible for nonrecognition of gain or loss under Section 1031 of the Internal Revenue Code in effect on January 1, 2017;

(ii) the exchange is not eligible for nonrecognition of gain or loss under Section 1031 of the Internal Revenue Code; and

(iii) the taxpayer made an election to take deductions under Section 179 of the Internal Revenue Code with regard to the acquired property in the year that the property was placed into service.

The amount of deductions allowable for an item of property under this clause may not exceed the amount of adjusted gross income realized on the property that would have been deferred

under the Internal Revenue Code in effect on January 1, 2017.

(6) Subtract income that is:

(A) exempt from taxation under IC 6-3-2-21.7 (certain income derived from patents); and

(B) included in the taxpayer's taxable income under the Internal Revenue Code.

(7) Add an amount equal to any income not included in gross income as a result of the deferral of income arising from business indebtedness discharged in connection with the reacquisition after December 31, 2008, and before January 1, 2011, of an applicable debt instrument, as provided in Section 108(i) of the Internal Revenue Code. Subtract from the adjusted gross income of any taxpayer that added an amount to adjusted gross income in a previous year the amount necessary to offset the amount included in federal gross income as a result of the deferral of income arising from business indebtedness discharged in connection with the reacquisition after December 31, 2008, and before January 1, 2011, of an applicable debt instrument, as provided in Section 108(i) of the Internal Revenue Code.

(8) Add the amount excluded from federal gross income under Section 103 of the Internal Revenue Code for interest received on an obligation of a state other than Indiana, or a political subdivision of such a state, that is acquired by the taxpayer after December 31, 2011.

(9) For taxable years beginning after December 25, 2016, add an amount equal to:

(A) the amount reported by the taxpayer on IRC 965 Transition Tax Statement, line 1;

(B) if the taxpayer deducted an amount under Section 965(c) of the Internal Revenue Code in determining the taxpayer's taxable income for purposes of the federal income tax, the amount deducted under Section 965(c) of the Internal Revenue Code; and

(C) with regard to any amounts of income under Section 965 of the Internal Revenue Code distributed by the taxpayer, the deduction under Section 965(c) of the Internal Revenue Code attributable to such distributed amounts and not reported to the

beneficiary.

For purposes of this article, the amount required to be added back under clause (B) is not considered to be distributed or distributable to a beneficiary of the estate or trust for purposes of Sections 651 and 661 of the Internal Revenue Code.

(10) Subtract any interest expense paid or accrued in the current taxable year but not deducted as a result of the limitation imposed under Section 163(j)(1) of the Internal Revenue Code. Add any interest expense paid or accrued in a previous taxable year but allowed as a deduction under Section 163 of the Internal Revenue Code in the current taxable year. For purposes of this subdivision, an interest expense is considered paid or accrued only in the first taxable year the deduction would have been allowable under Section 163 of the Internal Revenue Code if the limitation under Section 163(j)(1) of the Internal Revenue Code did not exist.

(11) Add an amount equal to the deduction for qualified business income that was claimed by the taxpayer for the taxable year under Section 199A of the Internal Revenue Code.

(12) Subtract the amount that would have been excluded from gross income but for the enactment of Section 118(b)(2) of the Internal Revenue Code for taxable years ending after December 22, 2017.

(13) Add or subtract any other amounts the taxpayer is:

(A) required to add or subtract; or

(B) entitled to deduct;

under IC 6-3-2.

(g) Subsections (a)(26), (b)(17), (d)(16), (e)(16), or (f)(13) may not be construed to require an add back or allow a deduction or exemption more than once for a particular add back, deduction, or exemption.

(h) For taxable years beginning after December 25, 2016, if:

(1) a taxpayer is a shareholder, either directly or indirectly, in a corporation that is an E&P deficit foreign corporation as defined in Section 965(b)(3)(B) of the Internal Revenue Code, and the earnings and profit deficit, or a portion of the earnings and profit deficit, of the E&P deficit foreign corporation is permitted to reduce the federal adjusted gross income or federal taxable income of the taxpayer, the deficit, or the portion of the deficit, shall also

reduce the amount taxable under this section to the extent permitted under the Internal Revenue Code, however, in no case shall this permit a reduction in the amount taxable under Section 965 of the Internal Revenue Code for purposes of this section to be less than zero (0); and

(2) the Internal Revenue Service issues guidance that such an income or deduction is not reported directly on a federal tax return or is to be reported in a manner different than specified in this section, this section shall be construed as if federal adjusted gross income or federal taxable income included the income or deduction.

SECTION 23. IC 6-3-2-2, AS AMENDED BY P.L.158-2019, SECTION 7, AND AS AMENDED BY P.L.234-2019, SECTION 10, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 2. (a) With regard to corporations and nonresident persons, "adjusted gross income derived from sources within Indiana", for the purposes of this article, shall mean and include:

(1) income from real or tangible personal property located in this state;

(2) income from doing business in this state;

(3) income from a trade or profession conducted in this state;

(4) compensation for labor or services rendered within this state; and

(5) income from stocks, bonds, notes, bank deposits, patents, copyrights, secret processes and formulas, good will, trademarks, trade brands, franchises, and other intangible personal property to the extent that the income is apportioned to Indiana under this section or if the income is allocated to Indiana or considered to be derived from sources within Indiana under this section.

Income from a pass through entity shall be characterized in a manner consistent with the income's characterization for federal income tax purposes and shall be considered Indiana source income as if the person, corporation, or pass through entity that received the income had directly engaged in the income producing activity. Income that is derived from one (1) pass through entity and is considered to pass through to another pass through entity does not change these characteristics or attribution provisions. In the case of nonbusiness

income described in subsection (g), only so much of such income as is allocated to this state under the provisions of subsections (h) through (k) shall be deemed to be derived from sources within Indiana. In the case of business income, only so much of such income as is apportioned to this state under the provision of subsection (b) shall be deemed to be derived from sources within the state of Indiana. In the case of compensation of a team member (as defined in section 2.7 of this chapter), only the portion of income determined to be Indiana income under section 2.7 of this chapter is considered derived from sources within Indiana. In the case of a corporation that is a life insurance company (as defined in Section 816(a) of the Internal Revenue Code) or an insurance company that is subject to tax under Section 831 of the Internal Revenue Code, only so much of the income as is apportioned to Indiana under subsection ~~(r)~~ *(s)* is considered derived from sources within Indiana. *Income derived from Indiana shall be taxable to the fullest extent permitted by the Constitution of the United States and federal law, regardless of whether the taxpayer has a physical presence in Indiana.*

(b) Except as provided in subsection (l), if business income of a corporation or a nonresident person is derived from sources within the state of Indiana and from sources without the state of Indiana, the business income derived from sources within this state shall be determined by multiplying the business income derived from sources both within and without the state of Indiana by the following:

(1) For all taxable years that begin after December 31, 2006, and before January 1, 2008, a fraction. The:

(A) numerator of the fraction is the sum of the property factor plus the payroll factor plus the product of the sales factor multiplied by three (3); and

(B) denominator of the fraction is five (5).

(2) For all taxable years that begin after December 31, 2007, and before January 1, 2009, a fraction. The:

(A) numerator of the fraction is the property factor plus the payroll factor plus the product of the sales factor multiplied by four and sixty-seven hundredths (4.67); and

(B) denominator of the fraction is six and sixty-seven hundredths (6.67).

(3) For all taxable years beginning after December 31, 2008, and before January 1, 2010, a fraction. The:

(A) numerator of the fraction is the property factor plus the payroll factor plus the product of the sales factor multiplied by eight (8); and

(B) denominator of the fraction is ten (10).

(4) For all taxable years beginning after December 31, 2009, and before January 1, 2011, a fraction. The:

(A) numerator of the fraction is the property factor plus the payroll factor plus the product of the sales factor multiplied by eighteen (18); and

(B) denominator of the fraction is twenty (20).

(5) For all taxable years beginning after December 31, 2010, the sales factor.

(c) The property factor is a fraction, the numerator of which is the average value of the taxpayer's real and tangible personal property owned or rented and used in this state during the taxable year and the denominator of which is the average value of all the taxpayer's real and tangible personal property owned or rented and used during the taxable year. However, with respect to a foreign corporation, the denominator does not include the average value of real or tangible personal property owned or rented and used in a place that is outside the United States. Property owned by the taxpayer is valued at its original cost. Property rented by the taxpayer is valued at eight (8) times the net annual rental rate. Net annual rental rate is the annual rental rate paid by the taxpayer less any annual rental rate received by the taxpayer from subrentals. The average of property shall be determined by averaging the values at the beginning and ending of the taxable year, but the department may require the averaging of monthly values during the taxable year if reasonably required to reflect properly the average value of the taxpayer's property.

(d) The payroll factor is a fraction, the numerator of which is the total amount paid in this state during the taxable year by the taxpayer for compensation, and the denominator of which is the total compensation paid everywhere during the taxable year. However, with respect to a foreign corporation, the denominator does not include compensation paid in a place that is outside the United States.

Compensation is paid in this state if:

(1) the individual's service is performed entirely within the state;

(2) the individual's service is performed both within and without this state, but the service performed without this state is incidental to the individual's service within this state; or

(3) some of the service is performed in this state and:

(A) the base of operations or, if there is no base of operations, the place from which the service is directed or controlled is in this state; or

(B) the base of operations or the place from which the service is directed or controlled is not in any state in which some part of the service is performed, but the individual is a resident of this state.

(e) The sales factor is a fraction, the numerator of which is the total sales of the taxpayer in this state during the taxable year, and the denominator of which is the total sales of the taxpayer everywhere during the taxable year. Sales include receipts from intangible property and receipts from the sale or exchange of intangible property. However, with respect to a foreign corporation, the denominator does not include sales made in a place that is outside the United States. ~~*Receipts from intangible personal property are derived from sources within Indiana if the receipts from the intangible personal property are attributable to Indiana under section 2.2 of this chapter.*~~ Regardless of the f.o.b. point or other conditions of the sale, sales of tangible personal property are in this state if:

(1) the property is delivered or shipped to a purchaser that is within Indiana, other than the United States government; or

(2) the property is shipped from an office, a store, a warehouse, a factory, or other place of storage in this state and the purchaser is the United States government.

Gross receipts derived from commercial printing as described in IC 6-2.5-1-10 and from the sale of ~~*computer*~~ software shall be treated as sales of tangible personal property for purposes of this chapter.

(f) Sales, other than ~~*receipts from intangible property covered by subsection (e) and*~~ sales of tangible personal property, are in this state ~~*if:*~~ *as follows:*

(1) ~~*the income-producing activity is performed in this state; or*~~

The receipts are attributable to Indiana:

(A) under subsection ~~(r),~~ (s), ~~or~~ (t), **or (u);** *or*

(B) under section 2.2 of this chapter.

(2) ~~*the income-producing activity is performed both within and without this state and a greater proportion of the income-producing activity is performed in this state than in any other state, based on costs of performance.*~~ *The receipts are from the provision of telecommunications services and broadcast services, provided that:*

(A) all of the costs of performance related to the receipts are attributable to Indiana; or

(B) if the costs of performance are incurred both within and outside this state, the greater portion of such costs are incurred in this state than in any other state.

(3) Receipts, other than receipts described in subdivisions (1) and (2), are in this state if the taxpayer's market for the sales is in this state. The taxpayer's market for sales is in this state:

(A) in the case of sale, rental, lease, or license of real property, if and to the extent the property is located in this state;

(B) in the case of rental, lease, or license of tangible personal property, if and to the extent the property is located in this state;

(C) in the case of sale of a service, if and to the extent the benefit of the service is received in this state;

(D) in the case of intangible property that is rented, leased, or licensed, if and to the extent the property is used in this state, provided that intangible property used in marketing a good or service to a consumer is "used in this state" if that good or service is purchased by a consumer who is in this state; and

(E) in the case of intangible property that is sold, if and to the extent the property is used in this state, provided that:

(i) a contract right, government license, or similar intangible property that authorizes the holder to conduct a business activity in a specific geographic area is "used in this state" if the geographic area includes all or part of

this state;

(ii) receipts from intangible property sales that are contingent on the productivity, use, or disposition of the intangible property shall be treated as receipts from the rental, lease, or licensing of such intangible property under clause (D); and

(iii) all other receipts from a sale of intangible property shall be excluded from the numerator and denominator of the receipts factor.

(4) If the state or states of attribution under subdivision (3) cannot be determined, the state or states of attribution shall be determined by the state or states in which the delivery of the service occurs.

(5) If the state of attribution cannot be determined under subdivision (3) or (4), such receipt shall be excluded from the denominator of the receipts factor.

(g) Rents and royalties from real or tangible personal property, capital gains, interest, dividends, or patent or copyright royalties, to the extent that they constitute nonbusiness income, shall be allocated as provided in subsections (h) through (k).

(h)(1) Net rents and royalties from real property located in this state are allocable to this state.

(2) Net rents and royalties from tangible personal property are allocated to this state:

(i) if and to the extent that the property is utilized in this state; or

(ii) in their entirety if the taxpayer's commercial domicile is in this state and the taxpayer is not organized under the laws of or taxable in the state in which the property is utilized.

(3) The extent of utilization of tangible personal property in a state is determined by multiplying the rents and royalties by a fraction, the numerator of which is the number of days of physical location of the property in the state during the rental or royalty period in the taxable year, and the denominator of which is the number of days of physical location of the property everywhere during all rental or royalty periods in the taxable year. If the physical location of the property during the rental or royalty period is unknown or unascertainable by the taxpayer, tangible personal property is utilized in the state in which the property

was located at the time the rental or royalty payer obtained possession.

(i)(1) Capital gains and losses from sales of real property located in this state are allocable to this state.

(2) Capital gains and losses from sales of tangible personal property are allocable to this state if:

(i) the property had a situs in this state at the time of the sale; or

(ii) the taxpayer's commercial domicile is in this state and the taxpayer is not taxable in the state in which the property had a situs.

(3) Capital gains and losses from sales of intangible personal property are allocable to this state if the taxpayer's commercial domicile is in this state.

(j) Interest and dividends are allocable to this state if the taxpayer's commercial domicile is in this state.

(k)(1) Patent and copyright royalties are allocable to this state:

(i) if and to the extent that the patent or copyright is utilized by the taxpayer in this state; or

(ii) if and to the extent that the patent or copyright is utilized by the taxpayer in a state in which the taxpayer is not taxable and the taxpayer's commercial domicile is in this state.

(2) A patent is utilized in a state to the extent that it is employed in production, fabrication, manufacturing, or other processing in the state or to the extent that a patented product is produced in the state. If the basis of receipts from patent royalties does not permit allocation to states or if the accounting procedures do not reflect states of utilization, the patent is utilized in the state in which the taxpayer's commercial domicile is located.

(3) A copyright is utilized in a state to the extent that printing or other publication originates in the state. If the basis of receipts from copyright royalties does not permit allocation to states or if the accounting procedures do not reflect states of utilization, the copyright is utilized in the state in which the taxpayer's commercial domicile is located.

(l) If the allocation and apportionment provisions of this article do not fairly represent the taxpayer's income derived from sources within the state of Indiana, the taxpayer may petition for or the department may require, in respect to all or any part of the taxpayer's business

activity, if reasonable:

(1) separate accounting;

(2) for a taxable year beginning before January 1, 2011, the exclusion of any one (1) or more of the factors, except the sales factor;

(3) the inclusion of one (1) or more additional factors which will fairly represent the taxpayer's income derived from sources within the state of Indiana; or

(4) the employment of any other method to effectuate an equitable allocation and apportionment of the taxpayer's income.

Notwithstanding IC 6-8.1-5-1(c), a taxpayer petitioning for, or the department requiring, the use of an alternative method to effectuate an equitable allocation and apportionment of the taxpayer's income under this subsection bears the burden of proof that the allocation and apportionment provisions of this article do not fairly represent the taxpayer's income derived from sources within this state and that the alternative method to the allocation and apportionment provisions of this article is reasonable.

(m) In the case of two (2) or more organizations, trades, or businesses owned or controlled directly or indirectly by the same interests, the department shall distribute, apportion, or allocate the income derived from sources within the state of Indiana between and among those organizations, trades, or businesses in order to fairly reflect and report the income derived from sources within the state of Indiana by various taxpayers.

(n) For purposes of allocation and apportionment of income under this article, a taxpayer is taxable in another state if:

(1) in that state the taxpayer is subject to a net income tax, a franchise tax measured by net income, a franchise tax for the privilege of doing business, or a corporate stock tax; or

(2) that state has jurisdiction to subject the taxpayer to a net income tax regardless of whether, in fact, the state does or does not.

(o) Notwithstanding subsections (l) and (m), the department may not, under any circumstances, require that income, deductions, and credits attributable to a taxpayer and another entity be reported in a combined income tax return for any taxable year, if the other entity is:

(1) a foreign corporation; or

(2) a corporation that is classified as a foreign operating corporation for the taxable year by section 2.4 of this chapter.

(p) Notwithstanding subsections (l) and (m), the department may not require that income, deductions, and credits attributable to a taxpayer and another entity not described in subsection (o)(1) or (o)(2) be reported in a combined income tax return for any taxable year, unless the department is unable to fairly reflect the taxpayer's adjusted gross income for the taxable year through use of other powers granted to the department by subsections (l) and (m).

(q) Notwithstanding subsections (o) and (p), one (1) or more taxpayers may petition the department under subsection (l) for permission to file a combined income tax return for a taxable year. The petition to file a combined income tax return must be completed and filed with the department not more than thirty (30) days after the end of the taxpayer's taxable year. ~~*A taxpayer filing a combined income tax return must petition the department within thirty (30) days after the end of the taxpayer's taxable year to discontinue filing a combined income tax return.*~~

(r) A taxpayer who desires to discontinue filing a combined income tax return for any reason must petition the department within thirty (30) days after the end of the taxpayer's taxable year for permission to discontinue filing a combined income tax return.

~~*(r)*~~ *(s)* This subsection applies to a corporation that is a life insurance company (as defined in Section 816(a) of the Internal Revenue Code) or an insurance company that is subject to tax under Section 831 of the Internal Revenue Code. The corporation's adjusted gross income that is derived from sources within Indiana is determined by multiplying the corporation's adjusted gross income by a fraction:

(1) the numerator of which is the direct premiums and annuity considerations received during the taxable year for insurance upon property or risks in the state; and

(2) the denominator of which is the direct premiums and annuity considerations received during the taxable year for insurance upon property or risks everywhere.

The term "direct premiums and annuity considerations" means the gross premiums received from direct business as reported in the corporation's

annual statement filed with the department of insurance.

~~(s)~~ *(t)* This subsection applies to receipts derived from motorsports racing.

(1) Any purse, prize money, or other amounts earned for placement or participation in a race or portion thereof, including qualification, shall be attributed to Indiana if the race is conducted in Indiana.

(2) Any amounts received from an individual or entity as a result of sponsorship or similar promotional consideration for one (1) or more races shall be in this state in the amount received, multiplied by the following fraction:

(A) The numerator of the fraction is the number of racing events for which sponsorship or similar promotional consideration has been paid in a taxable year and that occur in Indiana.

(B) The denominator of the fraction is the total number of racing events for which sponsorship or similar promotional consideration has been paid in a taxable year.

(3) Any amounts earned as an incentive for placement or participation in one (1) or more races and that are not covered under subdivision (1) or (2) or under IC 6-3-2-3.2 shall be attributed to Indiana in the proportion of the races that occurred in Indiana.

This subsection, as enacted in 2013, is intended to be a clarification of the law and not a substantive change in the law.

~~(t)~~ *(u)* For purposes of this section and section 2.2 of this chapter, the following apply:

(1) For taxable years beginning after December 25, 2016, if a taxpayer is required to include amounts in the taxpayer's federal adjusted gross income, federal taxable income, or IRC 965 Transition Tax Statement, line 1 as a result of Section 965 of the Internal Revenue Code, the following apply:

(A) For an entity that is not eligible to claim a deduction under IC 6-3-2-12, these amounts shall not be receipts in any taxable year for the entity.

(B) For an entity that is eligible to claim a deduction under IC 6-3-2-12, these amounts shall be receipts in the year in

which the amounts are reported by the entity as adjusted gross income under this article, but only to the extent of:

(i) any amounts includible after application of IC 6-3-1-3.5(b)(13), IC 6-3-1-3.5(d)(12), and IC 6-3-1-3.5(e)(12); minus

(ii) the deduction taken under IC 6-3-2-12 with regard to that income.

This subdivision applies regardless of the taxable year in which the money or property was actually received.

(2) If a taxpayer is required to include amounts in the taxpayer's federal adjusted gross income or federal taxable income as a result of Section 951A of the Internal Revenue Code the following apply:

(A) For an entity that is not eligible to claim a deduction under IC 6-3-2-12, the receipts that generated the income shall not be included as a receipt in any taxable year.

(B) For an entity that is eligible to claim a deduction under IC 6-3-2-12, the amounts included in federal gross income as a result of Section 951A of the Internal Revenue Code, reduced by the deduction allowable under IC 6-3-2-12 with regard to that income, shall be considered a receipt in the year in which the amounts are includible in federal taxable income.

(3) Receipts do not include receipts derived from sources outside the United States to the extent the taxpayer is allowed a deduction or exclusion in determining both the taxpayer's federal taxable income as a result of the federal Tax Cuts and Jobs Act of 2017 and the taxpayer's adjusted gross income under this chapter. If any portion of the federal taxable income derived from these receipts is deductible under IC 6-3-2-12, receipts shall be reduced by the proportion of the deduction allowable under IC 6-3-2-12 with regard to that federal taxable income.

Receipts includible in a taxable year under subdivisions (1) and (2) shall be considered dividends from investments for apportionment purposes.

~~(u)~~ **(v)** *The following apply:*

(1) The department may adopt rules under IC 4-22, including emergency rules that shall be applied retroactively to January

1, 2019, to specify where sales, receipts, income, transactions, or costs are attributable under this section and section 2.2 of this chapter.

(2) Rules adopted under subdivision (1) must be consistent with the Multistate Tax Commission model regulations for income tax apportionment as in effect on January 1, 2019, including any specialized industry provisions, except to the extent expressly inconsistent with this chapter. A rule is valid unless the rule is not consistent with the Multistate Tax Commission model regulations. If a rule is partially valid and partially invalid, the rule remains in effect to the extent the rule is valid.

(3) In the absence of rules, or to the extent a rule adopted under subdivision (1) is determined to be invalid, sales shall be sourced in the manner consistent with the Multistate Tax Commission model regulations for income tax apportionment as in effect on January 1, 2019, including any specialized industry provisions, except to the extent expressly inconsistent with this chapter.

SECTION 24. IC 6-3.1-20-7, AS AMENDED BY P.L.108-2019, SECTION 122, AND AS AMENDED BY P.L.293-2019, SECTION 44, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 7. (a) The department shall before July 1 of each year determine the following:

(1) The greater of:

(A) eight million five hundred thousand dollars ($8,500,000); or

(B) the amount of credits allowed under this chapter for taxable years ending before January 1 of the year.

(2) The quotient of:

(A) the amount determined under subdivision (1); divided by

(B) four (4).

(b) Except as provided in subsection (d), one-half (1/2) of the amount determined by the department under subsection (a)(2) shall be:

(1) deducted each quarter from the riverboat ~~*admissions*~~ *supplemental wagering* tax revenue otherwise payable to the county under IC 4-33-12-8 and the supplemental distribution otherwise payable to the county under ~~*IC 4-33-13-5(g),*~~

IC 4-33-13-5(f); and

(2) paid instead to the state general fund.

(c) Except as provided in subsection (d), one-sixth (1/6) of the amount determined by the department under subsection (a)(2) shall be:

(1) deducted each quarter from the riverboat ~~*admissions*~~ *supplemental wagering* tax revenue otherwise payable under IC 4-33-12-8 and the supplemental distribution otherwise payable under ~~*IC 4-33-13-5(g)*~~ *IC 4-33-13-5(f)* to each of the following:

(A) The largest city by population located in the county.

(B) The second largest city by population located in the county.

(C) The third largest city by population located in the county; and

(2) paid instead to the state general fund.

(d) If the amount determined by the department under subsection (a)(1)(B) is less than eight million five hundred thousand dollars ($8,500,000), the difference of:

(1) eight million five hundred thousand dollars ($8,500,000); minus

(2) the amount determined by the department under subsection (a)(1)(B);

shall be paid in four (4) equal quarterly payments to the northwest Indiana regional development authority established by IC 36-7.5-2-1 instead of the state general fund. Any amounts paid under this subsection shall be used by the northwest Indiana regional development authority only to establish or improve public mass rail transportation systems in Lake County.

SECTION 25. IC 6-3.1-34-20, AS ADDED BY P.L.158-2019, SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 20. (a) If the corporation determines that a taxpayer that has claimed a credit under this chapter is not entitled to the credit because of the taxpayer's noncompliance with the requirements of the tax credit agreement or any of the provisions of this chapter, the corporation shall, after giving the taxpayer an opportunity to explain the noncompliance:

(1) notify the department of the noncompliance; and

(2) request the department to impose an assessment on the taxpayer in an amount that may not exceed the sum of any

previously allowed credits under this chapter together with interest and penalties required or permitted by law.

(b) If a credit was assigned under section 14 of this chapter, ~~(before its expiration),~~ the assessment under this section shall be issued against the taxpayer that could have claimed the credit had no assignment occurred. If an assessment is issued to a taxpayer, other than an assignee of a credit that was assigned, the assessment shall not be offset by any nonrefundable credit. An assessment may not be made against an assignee of a credit except in the case of fraud by the assignee in the assignment of the credit. Notwithstanding the provisions of IC 6-8.1-5-2, an assessment is considered timely if the department issues a proposed assessment:

(1) not later than one hundred eighty (180) days from the date the department is notified of the noncompliance; or

(2) the date on which the proposed assessment could otherwise be issued in a timely manner under IC 6-8.1-5-2;

whichever is later.

SECTION 26. IC 6-6-5-7.2, AS AMENDED BY P.L.256-2017, SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 7.2. (a) This section applies to a vehicle that has been acquired, or brought into the state, or for any other reason becomes subject to registration after the regular annual registration date in the year on or before which the owner of the vehicle is required, under the vehicle registration laws of Indiana, to register vehicles.

(b) For taxes due and payable before January 1, 2017, the amount of tax to be paid by the owner for the remainder of the year shall be reduced by eight and thirty-three hundredths percent (8.33%) for each full calendar month that has elapsed since the regular annual registration date in the year fixed by the motor vehicle registration laws for annual registration by the owner. The tax shall be paid by the owner at the time of the registration of the vehicle.

(c) For taxes due and payable after December 31, 2016, the tax shall be paid by the owner at the time of the registration of the vehicle and is determined as follows:

(1) For a vehicle with an initial registration period under IC 9-18.1-11-3, the amount determined under STEP THREE of

the following formula:

STEP ONE: Determine the number of months remaining until the vehicle's next registration date under IC 9-18.1-11-3. A partial month shall be rounded up to one (1) month.

STEP TWO: Multiply the STEP ONE result by one-twelfth (1/12).

STEP THREE: Multiply the annual excise tax for the vehicle by the STEP TWO product.

(2) For a vehicle with a renewal registration period described in IC 9-18.1-11-3(b), the vehicle excise tax for the current registration period.

(d) Except as provided in subsection ~~(g),~~ **(f),** no reduction in the applicable annual excise tax will be allowed to an Indiana resident applicant upon registration of any vehicle that was owned by the applicant on or prior to the registrant's annual registration period. A vehicle owned by an Indiana resident applicant that was located in and registered for use in another state during the same calendar year shall be entitled to the same reduction when registered in Indiana.

(e) The owner of a vehicle who sells or otherwise disposes of the vehicle in a year in which the owner has paid the tax imposed by this chapter shall receive a credit equal to the remainder of:

(1) the tax paid for the vehicle; reduced by

(2) one-twelfth (1/12) for each full or partial calendar month that has elapsed in the registrant's annual registration year before the date of the sale, destruction, or other disposal of the vehicle.

If the credit is not fully used within ninety (90) days of the sale, destruction, or other disposal of the vehicle and the amount of the credit remaining is at least four dollars ($4), the bureau shall issue a refund to the owner in the amount of the unused credit, less a fee of three dollars ($3) to the bureau to cover costs of processing the refund, which may be deducted from the refund. The bureau shall deposit the fee for processing the refund in the commission fund established by IC 9-14-14-1. To claim the credit and refund provided by this subsection, the owner of the vehicle must present to the bureau proof of sale, destruction, or disposal of the vehicle. Any vehicle excise tax refund issued under this subsection shall be paid out of the special account created for settlement of the excise tax collections under

IC 6-6-5-10.

(f) If the name of the owner of a vehicle is legally changed and the change has caused a change in the owner's annual registration date, the excise tax liability of the owner shall be adjusted as follows:

(1) If the name change requires the owner to register sooner than the owner would have been required to register if there had been no name change, the owner shall, at the time the name change is reported, be authorized a refund from the county treasurer in the amount of the product of:

(A) one-twelfth (1/12) of the owner's last preceding annual excise tax liability; and

(B) the number of full calendar months between the owner's new regular annual registration month and the next succeeding regular annual registration month that is based on the owner's former name.

(2) If the name change required the owner to register later than the owner would have been required to register if there had been no name change, the vehicle shall be subject to excise tax for the period between the month in which the owner would have been required to register if there had been no name change and the new regular annual registration month in the amount determined under STEP FOUR of the following formula:

STEP ONE: Determine the number of full calendar months between the month in which the owner would have been required to register if there had been no name change and the owner's new regular annual registration month.

STEP TWO: Multiply the STEP ONE amount by one-twelfth (1/12).

STEP THREE: Determine the owner's tax liability computed as of the time the owner would have been required to register if there had been no name change.

STEP FOUR: Multiply the STEP TWO product by the STEP THREE amount.

SECTION 27. IC 6-6-9.7-7, AS AMENDED BY P.L.109-2019, SECTION 4, AND AS AMENDED BY P.L.108-2019, SECTION 127, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 7. (a) The city-county council of a

county that contains a consolidated city may adopt an ordinance to impose an excise tax, known as the county supplemental auto rental excise tax, upon the rental of passenger motor vehicles and trucks in the county for periods of less than thirty (30) days. The ordinance must specify that the tax expires December 31, 2027.

(b) Except as provided in ~~*subsection*~~ *subsections* (c) *and (f),* the county supplemental auto rental excise tax that may be imposed upon the rental of a passenger motor vehicle or truck equals two percent (2%) of the gross retail income received by the retail merchant for the rental.

(c) On or before June 30, 2005, the city-county council may, by ordinance adopted by a majority of the members elected to the city-county council, increase the tax imposed under subsection (a) from two percent (2%) to four percent (4%). The ordinance must specify that:

(1) if on December 31, 2027, there are obligations owed by the capital improvement board of managers to the Indiana stadium and convention building authority or any state agency under IC 5-1-17-26, the original two percent (2%) rate imposed under subsection (a) continues to be levied after its original expiration date set forth in subsection (a) and through December 31, 2040; and

(2) the additional rate authorized under this subsection expires on:

(A) January 1, 2041;

(B) January 1, 2010, if on that date there are no obligations owed by the capital improvement board of managers to the Indiana stadium and convention building authority or to any state agency under IC 5-1-17-26; or

(C) October 1, 2005, if on that date there are no obligations owed by the capital improvement board of managers to the Indiana stadium and convention building authority or to any state agency under a lease or a sublease of an existing capital improvement entered into under IC 5-1-17, unless waived by the budget director.

(d) The amount collected from that portion of county supplemental auto rental excise tax imposed under:

(1) subsection (b) and collected after December 31, 2027; ~~*and*~~

(2) ~~*under*~~ subsection (c); *and*

(3) subsection (f);

shall, in the manner provided by section 11 of this chapter, be distributed to the capital improvement board of managers operating in a consolidated city or its designee. So long as there are any current or future obligations owed by the capital improvement board of managers to the Indiana stadium and convention building authority created by IC 5-1-17 or any state agency pursuant to a lease or other agreement entered into between the capital improvement board of managers and the Indiana stadium and convention building authority or any state agency under IC 5-1-17-26, the capital improvement board of managers or its designee shall deposit the revenues received under this subsection in a special fund, which may be used only for the payment of the obligations described in this subsection.

(e) After January 1, 2013, and before March 1, 2013, the city-county council may, by ordinance adopted by a majority of the members elected to the city-county council, increase the tax rate imposed under subsection (a) by not more than two percent (2%). The amount collected from an increase adopted under this subsection shall be deposited in the sports and convention facilities operating fund established by IC 36-7-31-16. An increase in the tax rate under this subsection continues in effect unless the increase is rescinded. However, any increase in the tax rate under this subsection may not continue in effect after ~~*February 28, 2023.*~~ *December 31, 2040.*

(f) The county supplemental auto rental excise tax does not apply to the sharing of passenger motor vehicles or trucks through a peer to peer vehicle sharing program (as defined in IC 24-4-9.2-4) in the county unless the city-county council adopts an ordinance, by a majority of the members elected to the city-county council, to impose the tax as provided in this section. The city-county council may adopt an ordinance to impose the county supplemental auto rental excise tax on the sharing of passenger motor vehicles or trucks registered in the county for purposes of IC 6-6-5 through a peer to peer vehicle sharing program. The amount of the tax is equal to:

(1) the gross retail income received by the peer to peer vehicle sharing program (as defined in IC 24-4-9.2-4) for the sharing of the passenger motor vehicle or truck; multiplied by

(2) one percent (1%).

The ordinance must specify that the ordinance expires December 31,

2027.

~~*(f)*~~ *(g)* If a city-county council adopts an ordinance under subsection (a), (c), ~~*or*~~ (e), *or (f),* the city-county council shall immediately send a certified copy of the ordinance to the commissioner of the department of state revenue.

~~*(g)*~~ *(h)* If a city-county council adopts an ordinance under subsection (a), (c), ~~*or*~~ (e), *or (f)* on or before the fifteenth day of a month, the county supplemental auto rental excise tax applies to auto rentals after the last day of the month in which the ordinance is adopted. If the city-county council adopts an ordinance under subsection (a), (c), ~~*or*~~ (e), *or (f)* after the fifteenth day of a month, the county supplemental auto rental excise tax applies to auto rentals after the last day of the month following the month in which the ordinance is adopted.

SECTION 28. IC 6-6-15-3, AS AMENDED BY P.L.234-2019, SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 3. (a) An excise tax, known as the heavy equipment rental excise tax, is imposed upon the rental of heavy rental equipment from a retail merchant in Indiana and received from the retail merchant in Indiana. Equipment rented from a location outside Indiana is exempt from the excise tax.

(b) The heavy equipment rental excise tax imposed under this chapter is two and twenty-five hundredths percent (2.25%) of the gross retail income received by the retail merchant for the rental.

(c) A retail merchant subject to the heavy ~~rental~~ equipment **rental** excise tax is required to collect and remit the excise tax on all rentals of tangible personal property.

SECTION 29. IC 6-8.1-1-1, AS AMENDED BY P.L.285-2019, SECTION 1, AND AS AMENDED BY P.L.108-2019, SECTION 132, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1. "Listed taxes" or "taxes" includes only the pari-mutuel taxes (IC 4-31-9-3 through IC 4-31-9-5); the supplemental wagering tax (IC 4-33-12); the riverboat wagering tax (IC 4-33-13); the slot machine wagering tax (IC 4-35-8); the type II gambling game excise tax (IC 4-36-9); the gross income tax (IC 6-2.1) (repealed); the utility receipts and utility services use taxes (IC 6-2.3); the state gross retail and use taxes (IC 6-2.5); the adjusted gross income tax (IC 6-3); the supplemental net income tax (IC 6-3-8) (repealed); the

county adjusted gross income tax (IC 6-3.5-1.1) (repealed); the county option income tax (IC 6-3.5-6) (repealed); the county economic development income tax (IC 6-3.5-7) (repealed); the local income tax (IC 6-3.6); the auto rental excise tax (IC 6-6-9); the financial institutions tax (IC 6-5.5); the gasoline tax (IC 6-6-1.1); the special fuel tax (IC 6-6-2.5); the motor carrier fuel tax (IC 6-6-4.1); a motor fuel tax collected under a reciprocal agreement under IC 6-8.1-3; the vehicle excise tax (IC 6-6-5); the aviation fuel excise tax (IC 6-6-13); the commercial vehicle excise tax (IC 6-6-5.5); the excise tax imposed on recreational vehicles and truck campers (IC 6-6-5.1); the hazardous waste disposal tax (IC 6-6-6.6) (repealed); the heavy equipment rental excise tax (IC 6-6-15); *the vehicle sharing excise tax (IC 6-6-16);* the cigarette tax (IC 6-7-1); the beer excise tax (IC 7.1-4-2); the liquor excise tax (IC 7.1-4-3); the wine excise tax (IC 7.1-4-4); the hard cider excise tax (IC 7.1-4-4.5); ~~*the malt excise tax (IC 7.1-4-5);*~~ the petroleum severance tax (IC 6-8-1); the various innkeeper's taxes (IC 6-9); the various food and beverage taxes (IC 6-9); the county admissions tax (IC 6-9-13 and IC 6-9-28); the oil inspection fee (IC 16-44-2); the penalties assessed for oversize vehicles (IC 9-20-3 and IC 9-20-18); the fees and penalties assessed for overweight vehicles (IC 9-20-4 and IC 9-20-18); and any other tax or fee that the department is required to collect or administer.

SECTION 30. IC 6-8.1-7-1, AS AMENDED BY P.L.234-2019, SECTION 32, AND AS AMENDED BY P.L.285-2019, SECTION 2, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1. (a) This subsection does not apply to the disclosure of information concerning a conviction on a tax evasion charge. Unless in accordance with a judicial order or as otherwise provided in this chapter, the department, its employees, former employees, counsel, agents, or any other person may not divulge the amount of tax paid by any taxpayer, terms of a settlement agreement executed between a taxpayer and the department, investigation records, investigation reports, or any other information disclosed by the reports filed under the provisions of the law relating to any of the listed taxes, including required information derived from a federal return, except to any of the following when it is agreed that the information is to be confidential and to be used solely for official purposes:

(1) Members and employees of the department.

(2) The governor.

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

(4) An employee of the legislative services agency to carry out the responsibilities of the legislative services agency under IC 2-5-1.1-7 or another law.

(5) The attorney general or any other legal representative of the state in any action in respect to the amount of tax due under the provisions of the law relating to any of the listed taxes.

(6) Any authorized officers of the United States.

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

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

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

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

(d) The name, address, Social Security number, and place of employment relating to any individual who is delinquent in paying

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

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

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

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

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

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

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

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

(j) All information relating to the delinquency or evasion of the vehicle excise tax may be disclosed to the bureau of motor vehicles in

Indiana and may be disclosed to another state, if the information is disclosed for the purpose of the enforcement and collection of the taxes imposed by IC 6-6-5.

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

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

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

(n) This section does not apply to:

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

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

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

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

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

~~*(6)*~~ *(5)* the vehicle excise tax (IC 6-6-5);

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

~~*(8)*~~ *(7)* the fees under IC 13-23.

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

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

(q) The department may release information concerning total

incremental tax amounts under:

(1) IC 5-28-26;

(2) IC 36-7-13;

(3) IC 36-7-26;

(4) IC 36-7-27;

(5) IC 36-7-31;

(6) IC 36-7-31.3; or

(7) any other statute providing for the calculation of incremental state taxes that will be distributed to or retained by a political subdivision or other entity;

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

(r) The department may release the information as required in IC 6-8.1-3-7.1 concerning:

(1) an innkeeper's tax, a food and beverage tax, or an admissions tax under IC 6-9;

(2) the supplemental auto rental excise tax under IC 6-6-9.7; and

(3) the covered taxes allocated to a professional sports development area fund, sports and convention facilities operating fund, or other fund under IC 36-7-31 and IC 36-7-31.3.

(s) Information concerning state gross retail tax exemption certificates that relate to a person who is exempt from the state gross retail tax under IC 6-2.5-4-5 may be disclosed to a power subsidiary (as defined in IC 6-2.5-4-5) or a person selling the services or commodities listed in IC 6-2.5-4-5(b) for the purpose of enforcing and collecting the state gross retail and use taxes under IC 6-2.5.

(t) The department may release a statement of tax withholding or other tax information statement provided on behalf of a taxpayer to the department to:

(1) the taxpayer on whose behalf the tax withholding or other tax information statement was provided to the department;

(2) the taxpayer's spouse, if:

(A) the taxpayer is deceased or incapacitated; and

(B) the taxpayer's spouse is filing a joint income tax return

with the taxpayer; or

(3) an administrator, executor, trustee, or other fiduciary acting on behalf of the taxpayer if the taxpayer is deceased.

SECTION 31. IC 7.1-3-20-28.5, AS ADDED BY P.L.285-2019, SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 28.5. (a) This section applies to the premises of a:

(1) civic center permit; or

(2) ~~retail~~ **retailer's** permit that operates as a recreational facility offering bowling, arcade games, and outside volleyball courts or other outside recreational games on the licensed premises.

(b) In accordance with subsection (c), the holder of a:

(1) civic center permit; or

(2) ~~retail~~ **retailer's** permit described in subsection (a)(2) which has a gross business of at least one million dollars ($1,000,000) in the retail sale of food;

may, subject to the approval of the commission, sell or dispense alcoholic beverages for which the permittee holds the appropriate permit, for on-premises consumption only, from a bar that is located on an outside patio, porch, veranda, terrace, or rooftop of a building that is contiguous to the main building of the licensed premises.

(c) The holder of the civic center or ~~retail~~ **retailer's** permit described in subsection (a)(2) may sell or dispense alcoholic beverages as provided under subsection (b) only if all the following conditions are met:

(1) The outside area described in subsection (b) is:

(A) part of the licensed premises; and

(B) clearly delineated in some manner by a fence, hedge, rail, wall, or similar barrier.

(2) Except as provided in IC 7.1-5-7-11, if minors are allowed on the premises:

(A) the bar area must be separated from the outside dining area where minors may be served by a structure or barrier that reasonably deters free access and egress, without requirement for doors or gates; and

(B) a conspicuous sign must be posted by the barrier described in clause (A) stating that minors may not cross the barrier to

enter the bar area.

SECTION 32. IC 7.1-5-9-10, AS AMENDED BY P.L.279-2019, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 10. (a) Except as provided in subsection (b), it is unlawful for a holder of a retailer's permit of any type to acquire, hold, own, or possess an interest of any type in a manufacturer's or wholesaler's permit of any type.

(b) It is lawful for a holder of a retailer's permit of any type to acquire, hold, own, or possess an interest of any type in any of the following:

(1) A brewer's permit issued under IC 7.1-3-2-2(b).

(2) An artisan distiller's permit issued under IC 7.1-3-27-2.

(3) A farm winery permit issued under IC 7.1-3-12-3. ~~and~~

(4) A distiller's permit under IC 7.1-3-7-1, if the holder of the distiller's permit also holds an interest in an artisan distiller's permit as described in IC 7.1-3-27-2.

(c) It is lawful for the holder of a food hall vendor's permit under IC 7.1-3-20-30 to acquire, hold, own, or possess an interest of any type in a brewer's permit issued under IC 7.1-3-2-2, a farm winery permit issued under IC 7.1-3-12-3, or an artisan distiller's permit issued under IC 7.1-3-27-2. However, it is unlawful and a violation of subsection (a) for the holder of a food hall master permit under IC 7.1-3-20-29 to have ownership or control in the farm winery permit, artisan distiller's permit, or brewer's permit or in the farm winery's, artisan distiller's, or the brewer's food hall vendor's permit.

(d) A person who knowingly or intentionally violates subsection (a) commits a Class B misdemeanor.

SECTION 33. IC 7.1-5-10-12, AS AMENDED BY P.L.285-2019, SECTION 64, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 12. (a) Except as provided in subsections (b) through (d) and subsection ~~(f),~~ **(g),** it is unlawful for a permittee to sell, offer to sell, purchase or receive, an alcoholic beverage for anything other than cash. A permittee who extends credit in violation of this section shall have no right of action on the claim.

(b) A permittee may credit to a purchaser the actual price charged for a package or an original container returned by the original purchaser as a credit on a sale and refund to a purchaser the amount paid by the

purchaser for a container, or as a deposit on a container, if it is returned to the permittee.

(c) A manufacturer may extend usual and customary credit for alcoholic beverages sold to a customer who maintains a place of business outside this state when the alcoholic beverages are actually shipped to a point outside this state.

(d) An artisan distiller, a distiller, or a liquor or wine wholesaler may extend credit on liquor, flavored malt beverages, and wine sold to a permittee for a period of fifteen (15) days from the date of invoice, date of invoice included. However, if the fifteen (15) day period passes without payment in full, the wholesaler shall sell to that permittee on a cash on delivery basis only.

(e) A person who knowingly or intentionally violates this section commits a Class B misdemeanor.

(f) Nothing in this section may be construed to prohibit a hotel, restaurant, caterer, or a club that is not open to the general public from extending credit to a consumer purchasing alcohol for personal use at any time.

(g) Nothing in this section may be construed to prohibit a retailer or dealer from accepting a:

(1) credit card;

(2) debit card;

(3) charge card; or

(4) stored value card;

from a consumer purchasing alcohol for personal use.

SECTION 34. IC 8-1-2.4-4, AS AMENDED BY P.L.264-2017, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 4. (a) Subject to section 5 of this chapter, the commission shall require electric utilities and steam utilities to enter into long term contracts to:

(1) purchase or wheel electricity or useful thermal energy from alternate energy production facilities, cogeneration facilities, or small hydro facilities located in the utility's service territory, under the terms and conditions that the commission finds:

(A) are just and economically reasonable to the corporation's ratepayers;

(B) are nondiscriminatory to alternate energy producers,

cogenerators, and small hydro producers; and

(C) will further the policy stated in section 1 of this chapter; and

(2) provide for the availability of supplemental or backup power to alternate energy production facilities, cogeneration facilities, or small hydro facilities on a nondiscriminatory basis and at just and reasonable rates.

(b) Upon application by the owner or operator of any alternate energy production facility, cogeneration facility, or small hydro facility or any interested party, the commission shall establish for the affected utility just and economically reasonable rates for electricity purchased under subsection (a)(1). The rates shall be established at levels sufficient to stimulate the development of alternate energy production, cogeneration, and small hydro facilities in Indiana, and to encourage the continuation of existing capacity from those facilities.

(c) The commission shall base the rates for new facilities or new capacity from existing facilities on the following factors:

(1) The estimated capital cost of the next generating plant, including related transmission facilities, to be placed in service by the utility.

(2) The term of the contract between the utility and the seller.

(3) A levelized annual carrying charge based upon the term of the contract and determined in a manner consistent with both the methods and the current interest or return requirements associated with the utility's new construction program.

(4) The utility's annual energy costs, including current fuel costs, related operation and maintenance costs, and any other energy-related costs considered appropriate by the commission.

(d) The commission shall base the rates for existing facilities on the factors listed in subsection (c). However, the commission shall also consider the original cost less depreciation of existing facilities and may establish a rate for existing facilities that is less than the rate established for new facilities.

(e) In the case of a utility that purchases all or substantially all of its electricity requirements, the rates established under this section must be equal to the current cost to the utility of similar types and quantities of electrical service.

(f) In lieu of the other procedures provided by this section, a utility and an owner or operator of an alternate energy production facility, cogeneration facility, or small hydro facility may enter into a long term contract in accordance with subsection (a) and may agree to rates for purchase and sale transactions. A contract entered into under this subsection must be filed with the commission in the manner provided by IC 8-1-2-42.

(g) This section does not require an electric utility or steam utility to:

(1) construct any additional facilities unless those facilities are paid for by the owner or operator of the affected alternate energy production facility, cogeneration facility, or small hydro facility; or

(2) distribute, transmit, deliver, or wheel electricity from a private generation project.

~~(h) The commission shall do the following not later than November 1, 2018:~~

~~(1) Review the rates charged by electric utilities under subsection (a)(2) and section 6(e) of this chapter.~~

~~(2) Identify the extent to which the rates offered by electric utilities under subsection (a)(2) and section 6(e) of this chapter:~~

~~(A) are cost based;~~

~~(B) are nondiscriminatory; and~~

~~(C) do not result in the subsidization of costs within or among customer classes.~~

~~(3) Report the commission's findings under subdivisions (1) and (2) to the interim study committee on energy, utilities, and telecommunications established by IC 2-5-1.3-4(8).~~

~~This subsection expires November 2, 2018.~~

SECTION 35. IC 8-6-2.1-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 3. (a) The Indiana ~~state highway commission~~ **department of transportation** shall participate in the proceedings and in the cost of any improvements made pursuant to the proceedings provided for by this chapter if any improvements involve a highway which is part of the state highway system or a street or highway selected by the Indiana ~~state highway commission~~ **department of transportation** as a route of a highway in the state highway system.

(b) If the Indiana ~~state highway commission~~ **department of transportation** participates in any proceedings as set out in this chapter and in the cost of improvements made pursuant to the proceedings, the county in which the city is located shall also participate in the proceedings and in the cost of any improvements that are made pursuant to the proceedings.

SECTION 36. IC 8-6-2.1-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 5. (a) If the Indiana ~~state highway commission~~ **department of transportation** and the county in which the city is located participate in the proceedings, the Indiana ~~state highway commission~~ **department of transportation** and the county shall become parties to the agreement, and the agreement or agreements shall be included in and be a part of the resolution for the improvement and shall be subject to the final confirmation, or modification and confirmation, or rescission of the resolution, but no modification of the agreement or agreements shall be effective without the written consent of the railroad company affected; and the consent shall be filed with the board.

(b) The maps, plans and specifications shall be submitted by the engineer selected by the board to the Indiana ~~state highway commission~~ **department of transportation** and to the board of commissioners of the county in which the city is located, and if the maps, plans and specifications meet the approval of the Indiana ~~state highway commission~~ **department of transportation** and the board of commissioners, the approval shall be endorsed in writing on the documents.

(c) No further proceedings may be had pursuant to this chapter until the general maps, plans and specifications have been approved by the Indiana ~~state highway commission~~ **department of transportation** and the board of commissioners of the county.

SECTION 37. IC 8-6-2.1-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 6. (a) After the general maps, plans and specifications are approved by the Indiana ~~state highway commission~~ **department of transportation** and the board of commissioners of the county, they shall be filed with the board by the engineer. The board shall then adopt a resolution ordering the separation or alteration of grades or relocation and reconstruction of the

facilities, or any part of them, as provided for in the maps, plans, specifications and agreements and ordering the acquisition of the property described within, and adopting all maps, plans, specifications, agreements, descriptions and the estimate of cost, allocating the portions of work to be done by the various parties, prescribing the time within which the several portions of the work shall be done, and declaring that the improvement provided for will be of public necessity and convenience.

(b) The resolution, including all maps, plans, specifications, agreements, descriptions and estimate, shall be open to inspection at the office of the board by all persons interested in or affected by them.

SECTION 38. IC 8-6-2.1-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 9. (a) Upon the adoption of the resolution for separation or alteration of grades, the board shall cause notice of the adoption and intention, and of the fact that the maps, plans, specifications, agreements and estimates have been prepared and can be inspected, to be published in accordance with IC 5-3-1. The notice shall name a day not less than twenty (20) days after the date of the last publication on which the board will receive or hear remonstrances from persons interested in or affected by the proceedings, and when it will determine the public necessity and convenience of the project.

(b) A like notice shall be sent by mail to the owners of all lands to be appropriated under and by the resolution, and in case any landowner is a nonresident and ~~his~~ **the nonresident owner's** place of residence is known, a like notice shall be mailed to ~~him,~~ **the nonresident owner,** but in event the nonresident owner's residence is unknown by the board, then ~~he~~ **the nonresident owner** is considered to have been notified of the pendency of the proceedings by the publication of notice. A like notice shall also be served on a resident agent or officer of any railroad company or street railway company whose tracks are affected by the proceeding, but failure to serve the notice shall not invalidate the jurisdiction of the board in the premises.

(c) If the Indiana ~~state highway commission~~ **department of transportation** and the county in which the city is located participate in the proceedings, then a like notice shall be served upon the ~~state highway commission~~ **Indiana department of transportation** and upon

the board of commissioners of the county.

SECTION 39. IC 8-6-2.1-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 15. The city, by its board of public works or board of public works and safety, the Indiana ~~state highway commission,~~ **department of transportation,** the county in which the city is located, by its board of commissioners, and the railroad company or companies whose track or tracks the improvement authorized in this chapter concern, may enter into a written agreement as to the plan of proceeding with the work, the allocation of the portions to be done by the respective parties, the division of cost between railroads, the amount of work to be done annually, the time within which the entire work is to be completed, the method and times of making equitable settlements of the cost between the parties, and any other matters tending to expedite the efficient and economical completion of the improvement. The agreement, however, may not have the effect of increasing the total cost of the improvement above the estimate. The agreement shall be filed with the board and considered a part of the resolution and constitutes the basis of all proceedings on the matters embraced in the agreement.

SECTION 40. IC 8-6-2.1-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 17. (a) The total cost of the improvement shall be borne by all of the parties in interest, in accordance with a written agreement or written agreements to be entered into by all the parties, fixing the portion of the total cost to be borne by each party subject, however, to the cost formula requirements set forth in section 4 of this chapter. The total cost shall be divided among and paid by the parties in accordance with the agreement or agreements. The portion of the total cost to be borne by the city does not constitute an indebtedness or obligation of the city in its corporate capacity, but shall be payable only out of special taxes and benefit assessments as provided by this chapter.

(b) The Indiana ~~state highway commission,~~ **department of transportation,** any city affected by this chapter, and the county in which the city is located may each respectively enter into a written agreement or written agreements.

(c) The agreement or agreements shall be executed on behalf of the Indiana ~~state highway commission~~ **department of transportation** by

the members of it and shall be binding upon the Indiana ~~state highway commission.~~ **department of transportation.** The agreement or agreements shall be executed on behalf of the city by the board and shall be binding on the city. The agreement or agreements shall be executed on behalf of the county by the board of county commissioners and shall be binding on the county.

(d) To the extent that funds of any federal agency may be available to the Indiana ~~state highway commission~~ **department of transportation** for use in paying any portion of the total cost which may be chargeable to or assumed by the Indiana ~~state highway commission,~~ **department of transportation,** the Indiana ~~state highway commission~~ **department of transportation** may use the federal funds, if permitted by applicable federal laws, for the payment of the cost or any portion of it, or for the payment of all or any portion of either the city's or county's share of the cost; or the Indiana ~~state highway commission~~ **department of transportation** may use the federal funds for any combination of these purposes. The board may apply for, accept, and use grants, loans or other financial assistance from any municipal, county, state, or federal government agency. To the extent any funds of any federal agency may be available to the city or the county for use in paying the costs, the city and county may use the federal funds, if permitted by applicable federal laws, for the payment of any portion of the cost which is chargeable to or assumed by the city and county.

SECTION 41. IC 8-6-2.1-20, AS AMENDED BY P.L.84-2016, SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 20. (a) The board, through its engineer, shall keep an account of the total cost of the improvement, of all disbursements made during the course of the work, and of all equitable settlements between the parties contributing to the cost; but the total cost may not exceed the estimate adopted in the resolution.

(b) From time to time during the progress of the work, and upon completion of the improvement, the board shall make and adjust equitable settlements and payments between the parties contributing to the cost of the improvement so that the total cost of the improvement is apportioned between the parties as determined by the board consistent with this chapter.

(c) The equitable settlements and payments shall be made by the board, either on its own initiative or on petition of any railroad company charged with the work or any part of the work, or on petition of either the Indiana ~~state highway commission~~ **department of transportation** or of the county in which the city is located, if the Indiana ~~state highway commission~~ **department of transportation** and the county participate in the cost of the improvement.

(d) Any adjustment or adjustments are binding on all of the parties unless any aggrieved party, within sixty (60) days after the entry of an order of equitable settlement made by the board, files the aggrieved party's complaint to review the adjustment in the circuit court, superior court, or probate court of the county in which the city is located. The decree of the court is final. The railroad company or companies, shall, upon the adjustment or decree, pay their portions of the cost as directed. The Indiana ~~state highway commission~~ **department of transportation** shall, upon the adjustment or decree, pay its portion of the costs as directed, and the payment shall be made out of the funds of the ~~commission~~ **Indiana department of transportation** or funds appropriated for the use of the ~~commission.~~ **Indiana department of transportation.** The county council of the county in which the city is located shall provide sufficient funds to pay the county's share of the cost of the improvement, either by appropriating the necessary amount of money from available funds on hand, or by the sale of bonds. Upon each adjustment or decree, the county in which the city is located shall pay the county's portion of the cost as directed by the adjustment or decree out of the funds provided by the county council. Upon each adjustment or decree, the city controller or clerk-treasurer shall draw the city controller's or clerk-treasurer's warrant or warrants in payment of the city's portion of the cost.

(e) All warrants may be drawn only against the special fund arising from the special tax and special assessments provided for in this chapter and from equitable settlements.

(f) The board may adopt supplemental resolutions and enter orders from time to time as necessary to carry out the purpose of the resolution.

SECTION 42. IC 8-22-3.5-9, AS AMENDED BY P.L.214-2019, SECTION 30, AND AS AMENDED BY P.L.257-2019, SECTION 81,

IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 9. (a) As used in this section, "base assessed value" means, subject to subsection (k):

(1) the net assessed value of all the tangible property as finally determined for the assessment date immediately preceding the effective date of the allocation provision of the commission's resolution adopted under section 5 or 9.5 of this chapter, notwithstanding the date of the final action taken under section 6 of this chapter; plus

(2) to the extent it is not included in subdivision (1), the net assessed value of property that is assessed as residential property under the rules of the department of local government finance, *within the airport development zone,* as finally determined for ~~*any*~~ *the current* assessment date. ~~*after the effective date of the allocation provision.*~~

However, subdivision (2) applies only to an airport development zone established after June 30, 1997, and the portion of an airport development zone established before June 30, 1997, that is added to an existing airport development zone.

(b) A resolution adopted under section 5 of this chapter and confirmed under section 6 of this chapter must include a provision with respect to the allocation and distribution of property taxes for the purposes and in the manner provided in this section.

(c) The allocation provision must:

(1) apply to the entire airport development zone; and

(2) require that any property tax on taxable tangible property subsequently levied by or for the benefit of any public body entitled to a distribution of property taxes in the airport development zone be allocated and distributed as provided in subsections (d) and (e).

(d) Except as otherwise provided in this section:

(1) the proceeds of the taxes attributable to the lesser of:

(A) the assessed value of the tangible property for the assessment date with respect to which the allocation and distribution is made; or

(B) the base assessed value;

shall be allocated and, when collected, paid into the funds of the

respective taxing units; and

(2) the excess of the proceeds of the property taxes imposed for the assessment date with respect to which the allocation and distribution are made that are attributable to taxes imposed after being approved by the voters in a referendum or local public question conducted after April 30, 2010, not otherwise included in subdivision (1) shall be allocated to and, when collected, paid into the funds of the taxing unit for which the referendum or local public question was conducted.

(e) All of the property tax proceeds in excess of those described in subsection (d) shall be allocated to the eligible entity for the airport development zone and, when collected, paid into special funds as follows:

(1) The commission may determine that a portion of tax proceeds shall be allocated to a training grant fund to be expended by the commission without appropriation solely for the purpose of reimbursing training expenses incurred by public or private entities in the training of employees for the qualified airport development project.

(2) The commission may determine that a portion of tax proceeds shall be allocated to a debt service fund and dedicated to the payment of principal and interest on revenue bonds or a loan contract of the board of aviation commissioners or airport authority for a qualified airport development project, to the payment of leases for a qualified airport development project, or to the payment of principal and interest on bonds issued by an eligible entity to pay for qualified airport development projects in the airport development zone or serving the airport development zone.

(3) The commission may determine that a part of the tax proceeds shall be allocated to a project fund and used to pay expenses incurred by the commission for a qualified airport development project that is in the airport development zone or is serving the airport development zone.

(4) Except as provided in subsection (f), all remaining tax proceeds after allocations are made under subdivisions (1), (2), and (3) shall be allocated to a project fund and dedicated to the

reimbursement of expenditures made by the commission for a qualified airport development project that is in the airport development zone or is serving the airport development zone.

(f) Before July 15 of each year, the commission shall do the following:

(1) Determine the amount, if any, by which tax proceeds allocated to the project fund in subsection (e)(3) in the following year will exceed the amount necessary to satisfy amounts required under subsection (e).

(2) Provide a written notice to the county auditor and the officers who are authorized to fix budgets, tax rates, and tax levies under IC 6-1.1-17-5 for each of the other taxing units that is wholly or partly located within the allocation area. The notice must:

(A) state the amount, if any, of excess tax proceeds that the commission has determined may be allocated to the respective taxing units in the manner prescribed in subsection (d)(1); or

(B) state that the commission has determined that there are no excess tax proceeds that may be allocated to the respective taxing units in the manner prescribed in subsection (d)(1).

The county auditor shall allocate to the respective taxing units the amount, if any, of excess tax proceeds determined by the commission.

(g) When money in the debt service fund and in the project fund is sufficient to pay all outstanding principal and interest (to the earliest date on which the obligations can be redeemed) on revenue bonds issued by the board of aviation commissioners or airport authority for the financing of qualified airport development projects, all lease rentals payable on leases of qualified airport development projects, and all costs and expenditures associated with all qualified airport development projects, money in the debt service fund and in the project fund in excess of those amounts shall be paid to the respective taxing units in the manner prescribed by subsection (d)(1).

(h) Property tax proceeds allocable to the debt service fund under subsection (e)(2) must, subject to subsection (g), be irrevocably pledged by the eligible entity for the purpose set forth in subsection (e)(2).

(i) Notwithstanding any other law, each assessor shall, upon petition of the commission, reassess the taxable tangible property situated upon

or in, or added to, the airport development zone effective on the next assessment date after the petition.

(j) Notwithstanding any other law, the assessed value of all taxable tangible property in the airport development zone, for purposes of tax limitation, property tax replacement, and formulation of the budget, tax rate, and tax levy for each political subdivision in which the property is located is the lesser of:

(1) the assessed value of the tangible property as valued without regard to this section; or

(2) the base assessed value.

(k) If the commission confirms, or modifies and confirms, a resolution under section 6 of this chapter and the commission makes either of the filings required under section 6(c) of this chapter after the first anniversary of the effective date of the allocation provision, the auditor of the county in which the airport development zone is located shall compute the base assessed value for the allocation area using the assessment date immediately preceding the later of:

(1) the date on which the documents are filed with the county auditor; or

(2) the date on which the documents are filed with the department of local government finance.

SECTION 43. IC 9-18.1-5-5, AS AMENDED BY P.L.256-2017, SECTION 114, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 5. The fee to register a collector vehicle is sixteen dollars and thirty-five cents ($16.35). The fee shall be distributed as follows:

(1) Twenty-five cents ($0.25) to the state ~~police building~~ **construction** fund.

(2) Fifty cents ($0.50) to the state motor vehicle technology account.

(3) Two dollars and ninety cents ($2.90) to the highway, road and street fund.

(4) Four dollars ($4) to the crossroads 2000 fund.

(5) One dollar and twenty-five cents ($1.25) to the integrated public safety communications fund.

(6) Three dollars and ten cents ($3.10) to the commission fund.

(7) Any remaining amount to the motor vehicle highway account.

SECTION 44. IC 9-18.1-11-6, AS AMENDED BY P.L.108-2019, SECTION 176, AND AS AMENDED BY P.L.178-2019, SECTION 42, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 6. (a) A person that sells or otherwise disposes of a vehicle, *including a wrecked or destroyed vehicle,* owned by the person before the date on which the vehicle's registration expires may apply to the bureau to transfer the registration and license plates to a vehicle acquired or owned by the person.

(b) This subsection applies if the vehicle to which the registration and license plate are transferred is of the same type and in the same weight class as the vehicle for which the registration and license plate were originally issued. The bureau shall transfer the registration and license plate and issue an amended certificate of registration to the person applying for the transfer after the person pays the following:

(1) A fee of nine dollars and fifty cents ($9.50). The fee shall be distributed as follows:

(A) Twenty-five cents ($0.25) to the state ~~*police building account.*~~ *construction fund.*

(B) Fifty cents ($0.50) to the state motor vehicle technology fund.

(C) One dollar ($1) to the crossroads 2000 fund.

(D) One dollar and fifty cents ($1.50) to the motor vehicle highway account.

(E) One dollar and twenty-five cents ($1.25) to the integrated public safety communications fund.

(F) Five dollars ($5) to the commission fund.

(2) Any additional excise taxes owed under IC 6-6 on the vehicle to which the registration is transferred.

(c) This subsection applies if a vehicle to which the registration is transferred is of a different type or in a different weight class than the vehicle for which the registration and license plate were originally issued. The bureau shall transfer the registration and license plate and issue to the person applying for the transfer an amended certificate of registration and, if necessary, a new license plate or other proof of registration under this article or IC 9-18.5 after the person pays the following:

(1) A fee of nine dollars and fifty cents ($9.50). The fee shall be

distributed as follows:

(A) Twenty-five cents ($0.25) to the state ~~*police building account.*~~ *construction fund.*

(B) Fifty cents ($0.50) to the state motor vehicle technology fund.

(C) One dollar ($1) to the crossroads 2000 fund.

(D) One dollar and fifty cents ($1.50) to the motor vehicle highway account.

(E) One dollar and twenty-five cents ($1.25) to the integrated public safety communications fund.

(F) Five dollars ($5) to the commission fund.

(2) Any additional excise taxes owed under IC 6-6 on the vehicle to which the registration is transferred.

(3) If the fee to register the vehicle to which the registration is transferred exceeds by more than ten dollars ($10) the fee to register the vehicle for which the registration was originally issued, the amount determined under the following formula:

STEP ONE: Determine the number of months between:

(i) the date on which the vehicle to which the registration is transferred was acquired; and

(ii) the next registration date under this chapter for a vehicle registered by the person.

A partial month shall be rounded to one (1) month.

STEP TWO: Multiply the STEP ONE result by one-twelfth (1/12).

STEP THREE: Determine the difference between:

(i) the registration fee for the vehicle to which the registration is transferred; minus

(ii) the registration fee for the vehicle for which the registration was originally issued.

STEP FOUR: Determine the product of:

(i) the STEP TWO result; multiplied by

(ii) the STEP THREE result.

A fee collected under this subdivision shall be deposited in the motor vehicle highway account.

(d) A person may register a vehicle to which a registration is transferred under this section:

(1) individually; or

(2) with one (1) or more other persons.

SECTION 45. IC 9-21-11-13.1, AS ADDED BY P.L.206-2019, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 13.1. (a) An electric bicycle is not a motor vehicle (as defined in IC 9-13-2-105).

(b) Except as otherwise provided in this section, an operator of an electric bicycle is:

(1) subject to all of the duties; and

(2) entitled to all of the rights and privileges;

of a bicycle operator.

(c) Except as otherwise provided in this section, an electric bicycle shall be regulated as a bicycle.

(d) The operator of an electric bicycle is not subject to:

(1) IC 9-24 (driver's licenses); or

(2) IC 9-25 (financial responsibility).

(e) An electric bicycle is not subject to:

(1) IC 9-17 (certificates of title);

(2) IC 9-18.1 (motor vehicle registration); or

(3) IC 14-16-1 (off-road vehicles).

(f) On and after January 1, 2020, a manufacturer or distributor of an electric bicycle shall affix a permanent and conspicuous label to each electric bicycle. Each label described under this subsection shall prominently display the following information:

(1) The class level of the electric bicycle.

(2) The top assisted speed of the electric bicycle.

(3) The rated wattage of the electric bicycle's electric motor.

(g) If a modification to an electric bicycle results in any alteration to the:

(1) top assisted speed of the electric bicycle; or

(2) engagement of the electric bicycle's electric motor;

the label described in subsection (f) shall be replaced with a subsequent label that accurately reflects the class level, top assisted speed, and rated wattage of the modified electric bicycle.

(h) All electric bicycles shall comply with the bicycle equipment and manufacturing requirements adopted by the United States Consumer Product Safety Commission (16 CFR 1512).

(i) All electric bicycles shall be equipped with an electric motor that disengages or ceases to provide assistance when the operator:

(1) stops pedaling; or

(2) applies brakes.

(j) Subject to subsection (k), and except as provided in subsection (l), an electric bicycle may be operated wherever bicycles are permitted to travel.

(k) The lawful operation of an electric bicycle is subject to the following provisions:

(1) Unless otherwise specified by a statute, rule, or local ordinance, a Class 1 or Class 2 electric bicycle may be operated on any bicycle path or multipurpose path where bicycles are permitted.

(2) A Class 3 electric bicycle may not be operated on a bicycle path or multipurpose path unless one (1) or more of the following conditions apply:

(A) The bicycle path or multipurpose path is within or adjacent to a highway or roadway.

(B) A local authority or state agency with jurisdiction over the bicycle path or multipurpose path authorizes the use of a Class 3 **electric** bicycle on the bicycle path or multipurpose path.

(3) A person less than fifteen (15) years of age may not operate a Class 3 electric bicycle.

(4) A person less than fifteen (15) years of age may ride as a passenger on a Class 3 electric bicycle if the Class 3 electric bicycle is designed to accommodate a passenger.

(5) A properly fitted and fastened bicycle helmet that meets the most recent and applicable standards issued by the United States Consumer Product Safety Commission or the American Society for Testing and Materials must be worn by any person who operates or rides as a passenger on a Class 3 electric bicycle and is less than eighteen (18) years of age.

(l) Subsection (k) shall not apply to a path or trail designated as nonmotorized if the following conditions are met:

(1) The bicycle path or trail has a natural surface tread.

(2) The bicycle path or trail was made by clearing and grading the native soil.

(3) No surfacing materials have been added to the bicycle path or trail.

A local authority or state agency may regulate the use of electric bicycles or any class of electric bicycle on a bicycle path or trail described under this subsection.

SECTION 46. IC 9-23 IS REPEALED [EFFECTIVE JULY 1, 2020]. (VEHICLE MANUFACTURERS, DISTRIBUTORS, AND DEALERS).

SECTION 47. IC 9-24-12-1, AS AMENDED BY P.L.198-2016, SECTION 490, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1. ~~(a) Notwithstanding subsection (c) and except as provided in subsection (b) and sections 10 and 11 of this chapter, the expiration date of an operator's license that is the renewal license for an operator's license that contains a 2012 expiration date is as follows:~~

~~(1) If the operator's license was previously issued or renewed after May 14, 2007, and before January 1, 2008, the renewal operator's license expires at midnight on the birthday of the holder that occurs in 2017.~~

~~(2) If the operator's license was previously issued or renewed after December 31, 2007, and before January 1, 2009, the renewal operator's license expires at midnight on the birthday of the holder that occurs in 2018.~~

~~(3) If the operator's license was previously issued or renewed after December 31, 2005, and before January 1, 2007, the renewal operator's license expires at midnight on the birthday of the holder that occurs in 2016.~~

~~This subsection expires January 1, 2019.~~

~~(b)~~ **(a)** Except as provided in sections 10 and 11 of this chapter, an operator's license issued to an applicant who is at least seventy-five (75) years of age expires at midnight of the birthday of the holder that occurs three (3) years following the date of issuance.

~~(c)~~ **(b)** Except as provided in subsections (a) ~~(b)~~ and ~~(d)~~ **(c)** and sections 10 and 11 of this chapter, an operator's license issued under this article expires at midnight of the birthday of the holder that occurs six (6) years following the date of issuance.

~~(d)~~ **(c)** An operator's license issued to an individual who is less than

twenty-one (21) years of age expires at midnight of the date thirty (30) days after the twenty-first birthday of the holder. However, if the individual complies with IC 9-24-9-2.5(5) through IC 9-24-9-2.5(9), the operator's license expires:

(1) at midnight one (1) year after issuance if there is no expiration date on the authorization granted to the individual to remain in the United States; or

(2) if there is an expiration date on the authorization granted to the individual to remain in the United States, the earlier of the following:

(A) At midnight of the date the authorization to remain in the United States expires.

(B) At midnight of the date thirty (30) days after the twenty-first birthday of the holder.

SECTION 48. IC 10-14-3-22 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 22. (a) The political subdivisions and agencies designated or appointed by the governor may make, amend, and rescind orders, rules, and regulations as necessary for emergency management purposes and to supplement the carrying out of this chapter that are not inconsistent with:

(1) orders, rules, or regulations adopted by the governor or by a state agency exercising a power delegated to it by the governor; and

(2) the:

(A) emergency management program; and

(B) emergency operations plan;

of the county in which the political subdivision is located.

(b) Orders, rules, and regulations have the full force and effect of law when:

(1) adopted by the governor or any state agency and a copy is filed:

(A) in the office of the secretary of state; **or**

(B) with the publisher (as defined in IC 4-22-2-3(f)) under IC 4-22-2; and

mailed to all members of the county emergency management advisory council at their last known addresses; or

(2) filed in the office of the clerk of the adopting or promulgating

political subdivision or agency of the state if adopted by a political subdivision or agency authorized by this chapter to make orders, rules, and regulations.

SECTION 49. IC 10-17-12-10, AS AMENDED BY P.L.132-2019, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 10. (a) The commission shall adopt rules under IC 4-22-2 for the provision of grants under this chapter. Subject to subsection (b), the rules adopted under this section must address the following:

(1) Uniform need determination procedures.

(2) Eligibility criteria, including income eligibility standards, asset limit eligibility standards, and other standards concerning when assistance may be provided.

(3) Application procedures.

(4) Selection procedures.

(5) A consideration of the extent to which an individual has used assistance available from other assistance programs before assistance may be provided to the individual from the fund.

(6) Other areas in which the department determines that rules are necessary to ensure the uniform administration of the grant program under this chapter.

(b) The following apply to grants awarded under this chapter:

(1) An applicant is not eligible for a grant from the fund if:

(A) the qualified service member with respect to whom the application is based has been discharged; and

(B) the qualified service member's term of qualifying military service was less than twelve (12) months.

(2) The income eligibility standards must be based on the federal gross income of the qualified service member and the qualified service member's spouse.

(3) An employee of the department who is otherwise eligible for a grant from the fund must submit the employee's application directly to the commission for review. The department shall have no influence in any part of the employee's application.

(4) The maximum amount a qualified service member may receive from the fund is two thousand five hundred dollars ($2,500), unless **a higher amount is** approved by the commission.

(5) The commission may consider the following in its analysis of the applicant's request for assistance in excess of two thousand five hundred dollars ($2,500):

(A) The department's eligibility determination of the applicant.

(B) Facts considered in the department's need determination review and award under 915 IAC 3-6-3 and 915 IAC 3-6-5.

(C) The circumstances surrounding the applicant's hardship.

(D) Any substantive changes in the applicant's financial situation after the original application was submitted.

(E) Facts that may have been unknown or unavailable at the time of the applicant's original application for assistance.

(F) Other compelling circumstances that may justify assistance in excess of the two thousand five hundred dollar ($2,500) threshold.

(6) The commission shall approve or deny within sixty (60) days an application for a grant filed with the commission after June 30, 2019, by an employee of the department. However, the commission may not act on an incomplete application. The commission shall return an incomplete application with a notation as to omissions. The return of an incomplete application shall be without prejudice.

SECTION 50. IC 10-19-3-7, AS AMENDED BY P.L.171-2019, SECTION 2, AND AS AMENDED BY P.L.249-2019, SECTION 8, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 7. (a) Except as provided in this section, for purposes of IC 4-22-2, the executive director is the authority that adopts rules for the department.

(b) The Indiana emergency medical services commission is the authority that adopts rules under IC 16-31.

(c) *Except as provided in subsection (d),* ~~*or (e),*~~ the fire prevention and building safety commission is the authority that adopts rules under any of the following:

(1) IC 22-11.

(2) IC 22-12.

(3) IC 22-13.

(4) IC 22-14.

(5) IC 22-15.

(d) The board of firefighting personnel standards and education is the authority that adopts rules under IC 22-14-2-7(c)(7) and IC 36-8-10.

~~*(e) The regulated amusement device safety board established by IC 22-12-4.5-2 is the authority that adopts rules under IC 22-15-7.*~~

~~*(f)*~~ *(e)* The executive director may adopt rules governing:

(1) emergency action plans; or

(2) emergency response plans;

for outdoor performances (as defined in IC 22-12-1-17.5) where outdoor event equipment (as defined in IC 22-12-1-17.7) is used.

SECTION 51. IC 11-8-2-5, AS AMENDED BY P.L.239-2019, SECTION 6, AND AS AMENDED BY P.L.278-2019, SECTION 167, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 5. (a) The commissioner shall do the following:

(1) Organize the department and employ personnel necessary to discharge the duties and powers of the department.

(2) Administer and supervise the department, including all state owned or operated correctional facilities.

(3) Except for employees of the parole board, be the appointing authority for all positions in the department.

(4) Define the duties of a deputy commissioner and a warden.

(5) Accept committed persons for study, evaluation, classification, custody, care, training, and reintegration.

(6) Determine the capacity of all state owned or operated correctional facilities and programs and keep all Indiana courts having criminal or juvenile jurisdiction informed, on a quarterly basis, of the populations of those facilities and programs.

(7) Utilize state owned or operated correctional facilities and programs to accomplish the purposes of the department and acquire or establish, according to law, additional facilities and programs whenever necessary to accomplish those purposes.

(8) Develop policies, programs, and services for committed persons, for administration of facilities, and for conduct of employees of the department.

(9) Administer, according to law, the money or other property of the department and the money or other property retained by the

department for committed persons.

(10) Keep an accurate and complete record of all department proceedings, which includes the responsibility for the custody and preservation of all papers and documents of the department.

(11) Make an annual report to the governor according to subsection (c).

(12) Develop, collect, and maintain information concerning offenders, sentencing practices, and correctional treatment as the commissioner considers useful in penological research or in developing programs.

(13) Cooperate with and encourage public and private agencies and other persons in the development and improvement of correctional facilities, programs, and services.

(14) Explain correctional programs and services to the public.

(15) As required under ~~*42 U.S.C. 15483, after January 1, 2006,*~~ *52 U.S.C. 21083,* provide information to the election division to coordinate the computerized list of voters maintained under IC 3-7-26.3 with department records concerning individuals disfranchised under IC 3-7-46.

(16) Make an annual report to the legislative council in an electronic format under IC 5-14-6 before September 1 of each year.

(b) The commissioner may:

(1) when authorized by law, adopt departmental rules under IC 4-22-2;

(2) delegate powers and duties conferred on the commissioner by law to a deputy commissioner or commissioners and other employees of the department;

(3) issue warrants for the return of escaped committed persons (an employee of the department or any person authorized to execute warrants may execute a warrant issued for the return of an escaped person);

(4) appoint personnel to be sworn in as correctional police officers; ~~*and*~~

(5) enter into a regional holding facility lease agreement with a local economic development organization as described under IC 4-20.5-7-22; and

~~(5)~~ *(6)* exercise any other power reasonably necessary in discharging the commissioner's duties and powers.

(c) The annual report of the department shall be transmitted to the governor by September 1 of each year and must contain:

(1) a description of the operation of the department for the fiscal year ending June 30;

(2) a description of the facilities and programs of the department;

(3) an evaluation of the adequacy and effectiveness of those facilities and programs considering the number and needs of committed persons or other persons receiving services; and

(4) any other information required by law.

Recommendations for alteration, expansion, or discontinuance of facilities or programs, for funding, or for statutory changes may be included in the annual report.

SECTION 52. IC 11-8-8-23, AS ADDED BY P.L.244-2019, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 23. (a) This section applies to the local law enforcement authority in the county of conviction who has received notice that a lifetime sex or violent offender (as defined in IC 34-28-2-1.5) has changed the offender's name under:

(1) IC 31-11-4-11 (marriage);

(2) IC 31-15-2-19 (dissolution of marriage);

(3) IC 31-19-2-1.1 (adult adoption); or

(4) ~~IC 34-28-21-5~~ **IC 34-28-2-1.5** (an action for name change).

(b) A local law enforcement authority to which this section applies shall take reasonable steps, including consulting with the prosecuting attorney or a victim assistance program in the county of conviction, to notify the victim (or the spouse or immediate family member of a deceased victim):

(1) that the lifetime sex or violent offender has changed the offender's name;

(2) of the reason for the name change; and

(3) of the lifetime sex or violent offender's new name.

SECTION 53. IC 12-14-2-5.3, AS AMENDED BY P.L.161-2007, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 5.3. (a) This section does not apply to a dependent child:

~~(1) described in section 5.1(b)(3) or 5.1(b)(4) of this chapter;~~

~~(2)~~ **(1)** who is the firstborn of a child less than eighteen (18) years of age who is included in a TANF assistance group when the child becomes a first time minor parent (including all children in the case of a multiple birth); or

~~(3)~~ **(2)** who was conceived in a month the family was not receiving TANF assistance.

(b) Except as provided in subsection (c), after July 1, 1995, an additional payment (other than for medical expenses payable under IC 12-15) may not be made for a dependent child who is born more than ten (10) months after the date the family qualifies for assistance under this article.

(c) The division may adopt rules under IC 4-22-2 that authorize a voucher for goods and services related to child care that do not exceed one-half (1/2) of the assistance that a dependent child described in subsection (b) would otherwise receive under section 5 of this chapter.

(d) A dependent child described in subsection (b) is eligible for all child support enforcement services provided in IC 31-25.

(e) Families receiving TANF assistance are encouraged to receive family planning counseling.

SECTION 54. IC 12-15-1.3-15, AS AMENDED BY P.L.262-2019, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 15. (a) As used in this section, "division" refers to the division of disability and rehabilitative services established by IC 12-9-1-1.

(b) As used in this section, "waiver" refers to any waiver administered by the office and the division under section 1915(c) of the federal Social Security Act.

(c) The office shall apply to the United States Department of Health and Human Services for approval to amend a waiver to set an emergency placement priority for individuals in the following situations:

(1) Death of a primary caregiver where alternative placement in a supervised group living setting:

(A) is not available; or

(B) is determined by the division to be an inappropriate option.

(2) A situation in which:

(A) the primary caregiver is at least eighty (80) years of age;

and

(B) alternate placement in a supervised group living setting is not available or is determined by the division to be an inappropriate option.

(3) There is evidence of abuse or neglect in the current institutional or home placement, and alternate placement in a supervised group living setting is not available or is determined by the division to be an inappropriate option.

(4) There are other health and safety risks, as determined by the division director, and alternate placement in a supervised group living setting is not available or is determined by the division to be an inappropriate option.

(d) The division shall report on a quarterly basis the following information to the division of disability and rehabilitative services advisory council established by IC 12-9-4-2 concerning each Medicaid waiver for which the office has been approved under this section to administer an emergency placement priority for individuals described in this section:

(1) The number of applications for emergency placement priority waivers.

(2) The number of individuals served on the waiver.

(3) The number of individuals on a wait list for the waiver.

(e) Before July 1, 2021, the division, in coordination with the task force established by ~~IC 12-11-15-2,~~ **IC 12-11-15.5-2,** shall establish new priority categories for individuals served by a waiver.

(f) The office may adopt rules under IC 4-22-2 necessary to implement this section.

SECTION 55. IC 12-15-16-7.7, AS ADDED BY P.L.108-2019, SECTION 197, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 7.7. (a) As used in this section, "CMS" refers to the federal Centers for Medicare and Medicaid Services.

(b) As used in this section, "default plan" refers to a plan for distributing Medicaid disproportionate share payments for the state fiscal year beginning July 1, 2020, and, at the discretion of the hospital assessment fee committee, for any state fiscal year beginning after July 1, 2020, and meets the requirements set forth in subsection (i).

(c) As used in this section, "disproportionate share payment plan" refers to a plan for distributing disproportionate share payments for the state fiscal year beginning July 1, 2020, and at the discretion of the hospital assessment fee committee, for any state fiscal year beginning after July 1, 2020, and that meets the requirements set forth in subsection (h).

(d) As used in this section, "federal DSH allotment" refers to the allotment of federal disproportionate share funds calculated for the state under ~~42 U.S.C. 1386r-4.~~ **42 U.S.C. 1396r-4.**

(e) As used in this section, "hospital assessment fee committee" refers to the committee established by IC 16-21-10-7.

(f) As used in this section, "reduced federal DSH allotment" refers to a federal DSH allotment for the state for the federal fiscal year beginning October 1, 2020, that, by operation of 42 U.S.C. 1396r-4(f)(7), is less than the federal DSH allotment for the state for the federal fiscal year beginning October 1, 2018.

(g) As used in this section, "terminating event" refers to federal legislation (including an amendment to 42 U.S.C. 1396r-4), a regulation or sub-regulatory policy or directive issued by CMS, or a judicial ruling, that is enacted or issued on or before March 30, 2021, that:

(1) cancels, or postpones to a subsequent federal fiscal year, a reduced federal DSH allotment; and

(2) does not cause the state to incur a reduced federal DSH allotment.

(h) Subject to subsection (i), the hospital assessment fee committee shall develop a disproportionate share payment plan and submit the disproportionate share payment plan to the office. The following apply to the disproportionate share payment plan developed under this subsection:

(1) The disproportionate share payment plan must:

(A) specify the amount or amounts of disproportionate share payment adjustments to be paid to acute care hospitals licensed under IC 16-21-2 and private mental health institutions licensed under IC 12-25 for the state fiscal year beginning on or after July 1, 2020; or

(B) specify the formula to be used by the office for purposes of determining the amount or amounts of disproportionate share

payment adjustments to be paid to acute care hospitals licensed under IC 16-21-2 and private mental health institutions licensed under IC 12-25 for the state fiscal year beginning on or after July 1, 2020.

(2) In developing the disproportionate share payment plan, the hospital assessment fee committee is not required to:

(A) follow paragraphs 1 through 7 of Subsection A of Section III of Attachment 4.19-A of the Indiana Medicaid state plan in effect on January 1, 2019;

(B) provide for disproportionate share payment adjustments to be paid to acute care hospitals licensed under IC 16-21-2 or private mental health institutions licensed under IC 12-25 that, for purposes of the state fiscal year beginning on or after July 1, 2020, do not meet the definition of a "disproportionate share hospital" as set forth in Section II(E) of Attachment 4.19-A of the Indiana Medicaid state plan in effect on January 1, 2019; or

(C) follow the provisions set forth in section 7.5 of this chapter.

(3) In developing the disproportionate share payment plan, the hospital assessment fee committee shall take into consideration the percentage of a hospital's patients whose health care coverage is provided by a governmental health care program.

(i) If the hospital assessment fee committee is unable to develop a disproportionate share payment plan, the hospital assessment fee committee shall submit the default plan to the office. The following apply to the default plan:

(1) The disproportionate share payments that would otherwise be paid to an acute care hospital under Step Two, Step ~~3,~~ **Three,** or Step Four of Subsection A of Section III of Attachment 4.19-A of the Indiana Medicaid state plan in effect on January 1, 2019, without the reduction provided for in section 7.5 of this chapter, shall be reduced by a single percentage that is applied uniformly to all hospitals described in this subdivision.

(2) The percentage of the reduction in disproportionate share payments under subdivision (1) shall be the percentage determined by the hospital assessment fee committee to cause the total

disproportionate share payments made to maximize the expenditure of, without exceeding, the reduced federal DSH allotment.

If agreed to by the hospital assessment fee committee, the default plan may also include other terms and conditions that the committee determines to be necessary for the proper implementation and administration of the default plan.

(j) After the office submits the state plan amendment described in section 7.5 of this chapter, but before October 1, 2020, the office shall file with CMS and, if approved by CMS, the office shall implement, a proposed Medicaid state plan amendment that is based upon either the disproportionate share payment plan developed by the hospital assessment fee committee or the default plan submitted by the hospital assessment fee committee, subject to the following:

(1) The proposed Medicaid state plan amendment referred to in this subsection shall include language that, in the event a terminating event occurs after the Medicaid state plan amendment is approved by the CMS but before March 30, 2021, would operate to cause the state plan amendment to be immediately and automatically void and without effect, and to cause Subsection A of Section III of Attachment 4.19-A of the state's Medicaid state plan, in effect on January 1, 2019, to be immediately and automatically reinstated and effective.

(2) Subdivision (1) does not prevent the office from submitting a subsequent Medicaid state plan amendment for approval by CMS after CMS's approval of the state plan amendment referenced in subdivision (1) and that applies to a state fiscal year beginning on or after July 1, 2021, and that amends or replaces the state plan amendment described in this subsection.

(k) Before filing the proposed Medicaid state plan amendment with CMS, the proposed Medicaid state plan amendment referenced in subsection (j) shall be submitted by the office to the hospital assessment fee committee for the committee's approval.

(l) The hospital assessment fee committee shall coordinate with the office so that the disproportionate share payment plan, or the default plan, if applicable, is prepared and submitted to the office under subsection (h) or (i), if applicable, and the committee's approval of the

proposed state plan amendment under subsection (k), is obtained in sufficient time so as to enable the office to file the proposed Medicaid state plan amendment with CMS before October 1, 2020.

(m) The office shall regularly update the hospital assessment fee committee regarding the status of the proposed Medicaid state plan amendment. All questions, proposals, directives, requirements, and other communications received by the office from CMS concerning the proposed Medicaid state plan amendment shall be provided to the committee within a reasonable time after receipt by the office. Upon request by the hospital assessment fee committee or the office, the office and the hospital assessment fee committee shall meet to confer concerning the proposed state plan amendment.

(n) If:

(1) a terminating event occurs before the office submits the proposed Medicaid state plan amendment to CMS under subsection (j), the hospital assessment fee committee and the office shall cease their work on the disproportionate share payment plan, or the default plan if applicable, and the proposed Medicaid state plan amendment, and the office shall not submit the proposed state plan amendment to CMS; or

(2) a terminating event occurs after the office submits the proposed Medicaid state plan amendment to CMS under subsection (h), but before CMS approves a state plan amendment that implements the disproportionate share payment plan, or the default plan if applicable, the office shall immediately notify CMS of the office's intent to withdraw the proposed Medicaid state plan amendment and otherwise act so as to accomplish the immediate withdrawal of the proposed Medicaid state plan amendment.

(o) In the event a provision of this section conflicts with another provision of this article, the provisions of this section shall control.

SECTION 56. IC 12-15-30.5-4, AS ADDED BY P.L.116-2019, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 4. (a) A broker must do the following:

(1) Submit monthly reports to the office of the secretary for the office of the secretary to post on the office of the secretary's Internet web site of the following:

(A) A list and map by county of the number of vehicles, by

vehicle type, that are contracted, credentialed, and available to provide nonemergency medical transportation in that county.

(B) Based upon a comparison of trip-leg identification numbers issued by the broker to the corresponding claim submitted with that trip-leg identification number, the number of instances in which a requested nonemergency medical transportation for an eligible Medicaid recipient was not provided, including whether:

(i) the instance related to picking up the recipient to go to an appointment;

(ii) the instance related to picking up the recipient from an appointment;

(iii) the instance related to a Medicaid recipient or transportation provider not being available;

(iv) the recipient resides in the community, a health facility, an intermediate care facility for individuals with intellectual disabilities, a hospital, or another location; and

(v) the instance resulted from the transportation request being canceled by the transportation provider more than forty-eight (48) hours before the appointment or within forty-eight (48) hours of the appointment.

~~(D)~~ **(C)** A summary of the complaints received by the broker, whether or not the complaints have been substantiated. Information under this clause must include the total number of complaints and whether the complaint related to:

(i) a scheduled ride to go to an appointment;

(ii) a scheduled ride from an appointment; and

(iii) a recipient who resided in the community, a health facility, an intermediate care facility for individuals with intellectual disabilities, a hospital, or another location.

(2) Submit monthly to the office of the secretary for the office of the secretary to post on the office of the secretary's Internet web site a report comparing:

(A) the number of eligible Medicaid recipients; to

(B) the number of contracted and credentialed transportation vehicles, by type and by county, that are available to provide nonemergency medical transportation in a county;

and including the calculation of the ratio of eligible Medicaid recipients to vehicle type.

(3) Submit a monthly report to the office of the secretary that includes the following information for the previous month:

(A) The number of ride requests received and scheduled trip-leg identification numbers issued.

(B) Call center statistics.

(C) Information on claims payments, including claim denial reason codes.

(D) Program integrity referrals.

(E) Information concerning grievances and appeals, including the status of any grievance or appeal that is either open or closed in the month of the report.

(b) If the broker has not assigned a transportation provider to a request for nonemergency medical transportation within forty-eight (48) hours of the time in which the transportation is to be provided, the broker shall do the following:

(1) Take steps to notify the:

(A) Medicaid recipient for which the request was made; and

(B) health facility, if the Medicaid recipient resides in a health facility;

that a transportation provider has not yet been assigned.

(2) Continue to make every effort in securing transportation for the Medicaid recipient and immediately notify the recipient described in subdivision (1)(A) and, if applicable, the health facility described in subdivision (1)(B), when transportation has been assigned.

(3) Document whether the notice required under subdivision (1) was communicated to the Medicaid recipient or a person on behalf of the Medicaid recipient, and the method of communication.

SECTION 57. IC 12-16-13.5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1. A hospital, a physician, or an agent or employee of a hospital or physician that provides services in good faith under the hospital care for the indigent program is immune from liability to the extent the liability is attributable to at least one (1) of the following:

(1) The requirement that a patient be transferred under

IC 12-16-12.5 **(repealed).**

(2) The denial of payment under IC 12-16-10.5.

SECTION 58. IC 12-16-13.5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 2. Section 1(1) of this chapter does not limit liability for the determination that the patient's medical condition permits a transfer under IC 12-16-12.5 **(repealed).**

SECTION 59. IC 12-17.2-5-4, AS AMENDED BY P.L.287-2013, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 4. (a) The following constitute sufficient grounds for a denial of a license application:

(1) A determination by the department of child services established by IC 31-25-1-1 of child abuse or neglect (as defined in IC 31-9-2-14) by:

(A) the applicant;

(B) a member of the applicant's household;

(C) an employee of the applicant who has direct contact, on a regular and continuous basis, with children who are under the direct supervision of the applicant; or

(D) a volunteer of the applicant who has direct contact, on a regular and continuous basis, with children who are **under the** direct supervision of the applicant.

(2) A criminal conviction of the applicant, an employee of the applicant who has direct contact with children who are receiving child care from the applicant, a volunteer of the applicant who has direct contact with children who are receiving child care from the applicant, or a member of the applicant's household, of any of the following:

(A) A felony:

(i) related to the health or safety of a child;

(ii) that is a sex offense (as defined in IC 11-8-8-5.2);

(iii) that is a dangerous felony; or

(iv) that is not a felony otherwise described in items (i) through (iii), and less than ten (10) years have elapsed from the date the person was discharged from probation, imprisonment, or parole, whichever discharge date is latest.

(B) A misdemeanor related to the health or safety of a child.

(C) A misdemeanor for operating a child care center without a

license under IC 12-17.2-4-35, or a substantially similar offense committed in another jurisdiction if the offense is directly or indirectly related to jeopardizing the health or safety of a child.

(D) A misdemeanor for operating a child care home without a license under section 35 of this chapter, or a substantially similar offense committed in another jurisdiction if the offense is directly or indirectly related to jeopardizing the health or safety of a child.

(3) A determination by the division that the applicant made false statements in the applicant's application for licensure.

(4) A determination by the division that the applicant made false statements in the records required by the division.

(5) A determination by the division that the applicant previously operated a:

(A) child care center without a license under IC 12-17.2-4; or

(B) child care home without a license under this chapter.

(b) Notwithstanding subsection (a)(2), if:

(1) a license application is denied due to a criminal conviction of:

(A) an employee or a volunteer of the applicant; or

(B) a member of the applicant's household; and

(2) the division determines that the:

(A) employee or volunteer has been dismissed by the applicant; or

(B) member of the applicant's household is no longer a member of the applicant's household;

the criminal conviction of the former employee, former volunteer, or former member does not require denial of a license application.

SECTION 60. IC 12-17.2-7.2-13.5, AS AMENDED BY P.L.268-2019, SECTION 17, AND AS AMENDED BY P.L.108-2019, SECTION 200, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 13.5. (a) The prekindergarten pilot program fund is established to:

(1) provide grants to eligible *or limited eligibility* children for qualified early education services under this chapter;

(2) carry out the longitudinal study described in section 12 of this chapter;

(3) provide grants to potential eligible providers and existing eligible providers as set forth in section 7.4 of this chapter; and

(4) make payments to reimburse costs incurred to provide in-home early education services under IC 12-17.2-7.5.

(b) The fund consists of:

(1) money appropriated to the fund by the general assembly; and

(2) grants or gifts to the fund.

(c) The fund shall be administered by the office.

(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.*~~ *is continuously appropriated for the purposes provided under this article.*

(f) 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.

SECTION 61. IC 14-28-1-22, AS AMENDED BY P.L.282-2019, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 22. (a) As used in subsection (b)(1) with respect to a stream, "total length" means the length of the stream, expressed in miles, from the confluence of the stream with the receiving stream to the upstream or headward extremity of the stream, as indicated by the solid or dashed, blue or purple line depicting the stream on the most current edition of the seven and one-half (7 1/2) minute topographic quadrangle map published by the United States Geological Survey, measured along the meanders of the stream as depicted on the map.

(b) This section does not apply to the following:

(1) A reconstruction or maintenance project (as defined in IC 36-9-27) on a stream or an open regulated drain if the total length of the stream or open drain is not more than ten (10) miles.

(2) A construction or reconstruction project on a state or county highway bridge in a rural area that crosses a stream having an upstream drainage area of not more than fifty (50) square miles and the relocation of utility lines associated with the construction or reconstruction project if confined to an area not more than one hundred (100) feet from the limits of the highway construction right-of-way.

(3) The performance of an activity described in subsection (c)(1) or (c)(2) by a surface coal mining operation that is operated under a permit issued under IC 14-34.

(4) Any other activity that is determined by the commission, according to rules adopted under IC 4-22-2, to pose not more than a minimal threat to floodway areas.

(5) An activity in a boundary river floodway to which section 26.5 of this chapter applies.

(6) The removal of a logjam or mass of wood debris that has accumulated in a river or stream, subject to the following conditions:

(A) Work must not be within a salmonid stream designated under 327 IAC 2-1.5-5 without the prior written approval of the department's division of fish and wildlife.

(B) Work must not be within a natural, scenic, or recreational river or stream designated under 312 IAC 7-2.

(C) Except as otherwise provided in Indiana law, free logs or affixed logs that are crossways in the channel must be cut, relocated, and removed from the floodplain. Logs may be maintained in the floodplain if properly anchored or otherwise secured so as to resist flotation or dislodging by the flow of water and placement in an area that is not a wetland. Logs must be removed and secured with a minimum of damage to vegetation.

(D) Isolated or single logs that are embedded, lodged, or rooted in the channel, and that do not span the channel or cause flow problems, must not be removed unless the logs are either of the following:

(i) Associated with or in close proximity to larger obstructions.

(ii) Posing a hazard to navigation.

(E) A leaning or severely damaged tree that is in immediate danger of falling into the waterway may be cut and removed if the tree is associated with or in close proximity to an obstruction. The root system and stump of the tree must be left in place.

(F) To the extent practicable, the construction of access roads

must be minimized, and should not result in the elevation of the floodplain.

(G) To the extent practicable, work should be performed exclusively from one (1) side of a waterway. Crossing the bed of a waterway is prohibited.

(H) To prevent the flow of sediment laden water back into the waterway, appropriate sediment control measures must be installed.

(I) Within fifteen (15) days, all bare and disturbed areas must be revegetated with a mixture of grasses and legumes. Tall fescue must not be used under this subdivision, except that low endophyte tall fescue may be used in the bottom of the waterway and on side slopes.

(c) A person who desires to:

(1) erect, make, use, or maintain a structure, an obstruction, a deposit, or an excavation; or

(2) suffer or permit a structure, an obstruction, a deposit, or an excavation to be erected, made, used, or maintained;

in or on a floodway must file with the director a verified written application for a permit accompanied by a nonrefundable minimum fee of two hundred dollars ($200).

(d) The application for a permit must set forth the material facts together with plans and specifications for the structure, obstruction, deposit, or excavation.

(e) An applicant must receive a permit from the director for the work before beginning construction. The director shall issue a permit only if in the opinion of the director the applicant has clearly proven that the structure, obstruction, deposit, or excavation will not do any of the following:

(1) Adversely affect the efficiency of or unduly restrict the capacity of the floodway.

(2) Constitute an unreasonable hazard to the safety of life or property.

(3) Result in unreasonably detrimental effects upon fish, wildlife, or botanical resources.

(f) In deciding whether to issue a permit under this section, the director shall consider the cumulative effects of the structure,

obstruction, deposit, or excavation. The director may incorporate in and make a part of an order of authorization conditions and restrictions that the director considers necessary for the purposes of this chapter.

(g) A permit issued under this section:

(1) is valid for two (2) years after the issuance of the permit; and

(2) to:

(A) the Indiana department of transportation or a county highway department if there is any federal funding for the project; or

(B) an electric utility for the construction of a power generating facility;

is valid for five (5) years from the date of issuance.

A permit that is active and was issued under subdivision (1) before July 1, 2014, is valid for two (2) years beginning July 2014, and a permit that is active and was issued under subdivision (2) before July 1, 2014, is valid for five (5) years beginning July 2014.

(h) A permit issued under:

(1) subsection (g)(1) may be renewed one (1) time for a period not to exceed two (2) additional years; and

(2) subsection (g)(2) may be renewed one (1) time for a period not to exceed five (5) additional years.

(i) The director shall send a copy of each permit issued under this section to each river basin commission organized under:

(1) IC 14-29-7 or IC 13-2-27 (before its repeal); or

(2) ~~IC 14-13-19,~~ **IC 14-13-9,** IC 14-30-1 (before its repeal), or IC 36-7-6 (before its repeal);

that is affected.

(j) The permit holder shall post and maintain a permit issued under this section at the authorized site.

(k) For the purposes of this chapter, the lowest floor of a building, including a residence or abode, that is to be constructed or reconstructed in the one hundred (100) year floodplain of an area protected by a levee that is:

(1) inspected; and

(2) found to be in good or excellent condition;

by the United States Army Corps of Engineers shall not be lower than the one hundred (100) year frequency flood elevation plus one (1) foot.

SECTION 62. IC 15-15-13-8, AS AMENDED BY P.L.190-2019, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 8. (a) Each license application received under this chapter must be processed as follows:

(1) Upon receipt of a license application, the state seed commissioner shall do one (1) of the following:

(A) Forward a copy of the application to the state police department. The state police department shall do the following:

(i) Perform a state or national criminal history background check of the applicant.

(ii) Determine if the requirements under section 7(c)(5) of this chapter concerning prior criminal convictions have been met.

(iii) Return the application to the state seed commissioner along with the state police department's determinations and a copy of the state or national criminal history background check.

(B) ~~The state seed commissioner shall~~ Do the following:

(i) Perform a state or national criminal history background check of the applicant under the same standards as the state police department would perform.

(ii) Determine if the requirements under section 7(c)(5) of this chapter concerning prior criminal convictions have been met.

(2) The state seed commissioner shall review the license application and the criminal history background check.

(b) If the state seed commissioner determines that all the requirements under this chapter have been met and that a license should be granted to the applicant, the state seed commissioner shall approve the application for issuance of a license.

(c) A hemp license or agricultural hemp seed production license expires on December 31 of the year for which the license was issued, unless revoked. A hemp license or agricultural hemp seed production license may be renewed in accordance with rules adopted by the state seed commissioner and is nontransferable.

SECTION 63. IC 15-15-13-12, AS AMENDED BY P.L.190-2019, SECTION 13, IS AMENDED TO READ AS FOLLOWS

[EFFECTIVE JULY 1, 2020]: Sec. 12. The state seed commissioner is responsible for the following:

(1) Monitoring the hemp grown by any license holder.

(2) Conducting random testing of the hemp for compliance with tetrahydrocannabinol (THC) levels. The state seed commissioner may enter into agreements with one (1) or more laboratories selected by the Indiana state police department to perform testing under this subdivision.

(3) Establishing necessary testing criteria and protocols, including a procedure for testing, using post decarboxylation or other similarly reliable methods, **for** delta-9-tetrahydrocannabinol concentration levels of the hemp produced.

(4) Establishing the minimum number of acres to be planted under each license issued under this chapter.

(5) Regulating any propagative material of a hemp plant.

SECTION 64. IC 15-15-13-13.5, AS ADDED BY P.L.190-2019, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 13.5. (a) Except as provided in subsection (b), the state seed commissioner shall give a person who negligently violates this chapter a reasonable time, determined by the state seed commissioner, to correct the violation without imposing a penalty under section 13 of this chapter. However, the state seed commissioner may require the person who committed the violation to comply with a corrective action plan determined by the state seed commissioner and report to the state seed commissioner on compliance with the corrective action plan.

(b) A person who commits a negligent violation of this chapter three (3) times in a five (5) year period shall immediately be ineligible to produce hemp for five (5) years.

(c) If the state seed commissioner believes that a person has knowingly or intentionally violated this chapter, the state seed commissioner shall notify:

(1) the superintendent of the state police department; and

(2) the prosecuting attorney of the county in which the violation occurred;

of the violation.

(d) A person who commits a negligent violation under this chapter

is subject to a late fee as established by rule adopted by the **state** seed ~~commission.~~ **commissioner.**

SECTION 65. IC 16-21-2-13, AS AMENDED BY P.L.81-2018, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 13. ~~(a) Before January 1, 2019, the state health commissioner may:~~

~~(1) issue a license upon the application without further evidence; or~~

~~(2) request additional information concerning the application and conduct an investigation to determine whether a license should be granted.~~

~~This subsection expires January 1, 2019.~~

~~(b)~~ **(a)** ~~After December 31, 2018,~~ The state health commissioner:

(1) may:

(A) issue a license upon the application of a hospital that is not accredited by a recognized accrediting organization without further evidence; or

(B) request additional information concerning the application of a hospital that is not accredited by a recognized accrediting organization and conduct an investigation to determine whether a license should be granted; and

(2) shall issue a license upon the application of a hospital that has received accreditation by a recognized accrediting organization for the period the recognized accrediting organization has been granted accreditation without the state department conducting an annual survey.

~~(c)~~ **(b)** The state department may investigate a complaint against an accredited hospital described in subsection ~~(b)(2)~~ **(a)(2)** for substantial noncompliance, as determined by the state department, with state law or rules. Nothing in this section prohibits the state health commissioner from taking action against a hospital under IC 16-21-3 for substantial noncompliance with state law or rules.

~~(d)~~ **(c)** If a hospital is not accredited by a recognized accrediting organization, the state department shall conduct an annual survey of the hospital.

~~(e)~~ **(d)** When requested by the federal Centers for Medicare and Medicaid Services, the state department shall conduct random

validation surveys on behalf of the federal Centers for Medicare and Medicaid Services.

~~(f)~~ **(e)** A hospital shall provide a copy of the survey report and certificate of accreditation from a recognized accrediting organization to the state health commissioner not more than ten (10) days after receipt of the survey or accreditation.

~~(g)~~ **(f)** Subsections ~~(b)~~ **(a)** through ~~(f)~~ **(e)** do not affect the state department's performance of an initial survey of a hospital obtaining an initial license under this article.

SECTION 66. IC 16-31-12-3, AS ADDED BY P.L.100-2019, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 3. (a) The commission may establish an application and process for an emergency medical services provider agency to submit for approval an application and information requesting the implementation of a mobile ~~integration~~ **integrated** healthcare program.

(b) The commission may establish a subcommittee to provide the initial review of an application submitted by an emergency medical services provider agency for a mobile integrated healthcare program and determine whether to grant approval for the program. In reviewing an application, the subcommittee or commission may request additional information from the emergency medical services provider agency that submitted the request.

(c) If a subcommittee is established by the commission, the subcommittee shall make recommendations to the commission concerning a submitted application. The commission must approve or deny the application not more than ninety (90) days after the submission of a complete application.

(d) An emergency medical services provider agency may appeal a denial of the application by the commission under IC 4-21.5.

SECTION 67. IC 16-31-12-4, AS ADDED BY P.L.100-2019, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 4. (a) The commission may establish a mobile integration healthcare grant to assist communities in the development and implementation of a mobile ~~integration~~ **integrated** healthcare program that has been approved by the commission under this chapter.

(b) The commission may do the following:

(1) Administer the grant.

(2) Create a grant application for the grant.

(3) Develop a process for receiving and evaluating grant applications.

(4) Establish eligibility requirements for the grant.

(5) Select recipients of the grant and distribute the funds for an awarded grant.

(c) The commission may only award a grant under this section to an emergency medical services provider agency that is operated by a:

(1) city;

(2) town; or

(3) township.

SECTION 68. IC 16-31-12-5, AS ADDED BY P.L.100-2019, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 5. (a) The mobile integration healthcare grant fund is established within the state general fund for the purpose of the development and implementation of a mobile ~~integration~~ **integrated** healthcare program.

(b) The commission shall administer the fund. The expenses of administering the fund shall be paid from money in 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 money may be invested. Interest that accrues from these investments shall be deposited in the fund.

(d) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

SECTION 69. IC 16-39-2-6, AS AMENDED BY P.L.225-2019, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 6. (a) Without the consent of the patient, the patient's mental health record may only be disclosed as follows:

(1) To individuals who meet the following conditions:

(A) Are employed by:

(i) the provider at the same facility or agency;

(ii) a managed care provider (as defined in IC 12-7-2-127); or

(iii) a health care provider or mental health care provider, if the mental health records are needed to provide health care

or mental health services to the patient.

(B) Are involved in the planning, provision, and monitoring of services.

(2) To the extent necessary to obtain payment for services rendered or other benefits to which the patient may be entitled, as provided in IC 16-39-5-3.

(3) To the patient's court appointed counsel and to the Indiana protection and advocacy services commission.

(4) For research conducted in accordance with IC 16-39-5-3 and the rules of the division of mental health and addiction, the rules of the division of disability and rehabilitative services, or the rules of the provider.

(5) To the division of mental health and addiction for the purpose of data collection, research, and monitoring managed care providers (as defined in IC 12-7-2-127) who are operating under a contract with the division of mental health and addiction.

(6) To the extent necessary to make reports or give testimony required by the statutes pertaining to admissions, transfers, discharges, and guardianship proceedings.

(7) To a law enforcement agency if any of the following conditions are met:

(A) A patient escapes from a facility to which the patient is committed under IC 12-26.

(B) The superintendent of the facility determines that failure to provide the information may result in bodily harm to the patient or another individual.

(C) A patient commits or threatens to commit a crime on facility premises or against facility personnel.

(D) A patient is in the custody of a law enforcement officer or agency for any reason and:

(i) the information to be released is limited to medications currently prescribed for the patient or to the patient's history of adverse medication reactions; and

(ii) the provider determines that the release of the medication information will assist in protecting the health, safety, or welfare of the patient.

Mental health records released under this clause must be

maintained in confidence by the law enforcement agency receiving them.

(8) To a coroner or medical examiner, in the performance of the individual's duties.

(9) To a school in which the patient is enrolled if the superintendent of the facility determines that the information will assist the school in meeting educational needs of the patient.

(10) To the extent necessary to satisfy reporting requirements under the following statutes:

(A) IC 12-10-3-10.

(B) IC 12-24-17-5.

(C) IC 16-41-2-3.

(D) IC 31-25-3-2.

(E) IC 31-33-5-4.

(F) IC 34-30-16-2.

(G) IC 35-46-1-13.

(11) To the extent necessary to satisfy release of information requirements under the following statutes:

(A) IC 12-24-11-2.

(B) IC 12-24-12-3, IC 12-24-12-4, and IC 12-24-12-6.

(C) IC 12-26-11.

(12) To another health care provider in a health care emergency.

(13) For legitimate business purposes as described in IC 16-39-5-3.

(14) Under a court order under IC 16-39-3.

(15) With respect to records from a mental health or developmental disability facility, to the United States Secret Service if the following conditions are met:

(A) The request does not apply to alcohol or drug abuse records described in 42 U.S.C. 290dd-2 unless authorized by a court order under 42 U.S.C. 290dd-2(b)(2)(c).

(B) The request relates to the United States Secret Service's protective responsibility and investigative authority under 18 U.S.C. 3056, 18 U.S.C. 871, or 18 U.S.C. 879.

(C) The request specifies an individual patient.

(D) The director or superintendent of the facility determines that disclosure of the mental health record may be necessary to

protect a person under the protection of the United States Secret Service from serious bodily injury or death.

(E) The United States Secret Service agrees to only use the mental health record information for investigative purposes and not disclose the information publicly.

(F) The mental health record information disclosed to the United States Secret Service includes only:

(i) the patient's name, age, and address;

(ii) the date of the patient's admission to or discharge from the facility; and

(iii) any information that indicates whether or not the patient has a history of violence or presents a danger to the person under protection.

(16) To the statewide waiver ombudsman established under IC 12-11-13, in the performance of the ombudsman's duties.

(b) If a licensed mental health professional or licensed paramedic, in the course of rendering a treatment intervention, determines that a patient may be a harm to himself or herself or others, the licensed mental health professional or licensed paramedic may request a patient's individualized **mental health** safety plan from a psychiatric crisis center, psychiatric inpatient unit, or psychiatric residential treatment provider. Each psychiatric crisis center, psychiatric inpatient unit, and psychiatric residential treatment provider shall, upon request and without the consent of the patient, share a patient's individualized mental health safety plan that is in the standard format established by the division of mental health and addiction under IC 12-21-5-6 ~~to~~ **with** the following individuals who demonstrate proof of licensure and commit to protecting the information in compliance with state and federal privacy laws:

(1) A licensed mental health professional.

(2) A licensed paramedic.

An individualized mental health safety plan disclosed under this subsection may be used only to support a patient's welfare and safety and is considered otherwise confidential information under applicable state and federal laws.

(c) After information is disclosed under subsection (a)(15) and if the patient is evaluated to be dangerous, the records shall be interpreted in

consultation with a licensed mental health professional on the staff of the United States Secret Service.

(d) A person who discloses information under subsection (a)(7), (a)(15), or ~~subsection~~ (b) in good faith is immune from civil and criminal liability.

SECTION 70. IC 16-39-3-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 3. A person:

(1) seeking access to a patient's mental health record without the patient's written consent in an investigation or prosecution resulting from a report filed under ~~IC 16-39-2-6(10);~~ **IC 16-39-2-6(a)(10);** or

(2) who has filed or is a party to a legal proceeding and who seeks access to a patient's mental health record without the patient's written consent;

may file a petition in a circuit or superior court requesting a release of the patient's mental health record.

SECTION 71. IC 16-41-10-2.6, AS ADDED BY P.L.224-2019, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 2.6. (a) This section applies to:

(1) an emergency medical services provider; and

(2) a law enforcement officer;

who ~~has~~ **have** been exposed to blood or body fluids as described in section 2(a) of this chapter.

(b) A person to whom this ~~chapter~~ **section** applies may submit an emergency application for a blood or body fluid specimen to a circuit or superior court having jurisdiction to issue a warrant.

(c) An emergency application for a blood or body fluid specimen must be verified and include the following information:

(1) The name and employing agency of the person exposed to the blood or body fluids.

(2) The name of the patient to whose blood or body fluids the person has been exposed.

(3) A concise description of the circumstances under which the exposure occurred.

(4) A concise explanation of why immediate testing is necessary.

(5) Any other information required by the court.

(d) If it appears from the emergency application for a blood or body

fluid specimen that:

(1) the person exposed to the blood or body fluid is a person to whom this section applies; and

(2) immediate testing is necessary;

the court shall approve the emergency application for a blood or body fluid specimen ex parte, without notice or a hearing, and issue an emergency order requiring the patient to whose blood or body fluid the emergency medical services provider or law enforcement officer has been exposed to provide a blood or body fluid specimen for testing.

SECTION 72. IC 16-41-37.5-2.5, AS AMENDED BY P.L.21-2019, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 2.5. (a) Before July 31, 2019, the state department shall distribute a manual of best practices for managing indoor air quality at schools as described in this section. The state department may use a manual on indoor air quality in schools developed by a federal health or environmental agency or another state and make additions or revisions to the manual to make the manual most useful to Indiana schools. The manual must include recommendations for radon testing. The state department shall provide the manual:

(1) to:

(A) the legislative council; and

(B) the department of education;

in an electronic format under IC 5-14-6; and

(2) to the facilities manager and superintendent of each school corporation and the chief administrative officer of each accredited nonpublic school.

(b) At least once every three (3) years the **state** department shall:

(1) review and revise the manual developed under subsection (a) to assure that the manual continues to represent best practices available to schools; and

(2) distribute the manual to individuals listed in subsection (a)(2).

SECTION 73. IC 20-19-2-2.2, AS ADDED BY P.L.224-2015, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 2.2. (a) Beginning June 1, 2015, the state board consists of the following members:

(1) The state superintendent.

(2) Eight (8) members appointed by the governor. The following

provisions apply to members of the state board appointed under this subdivision:

(A) At least six (6) members appointed under this subdivision must have professional experience in the field of education as provided in subsection (b).

(B) Members shall be appointed from different parts of Indiana with not more than one (1) member being appointed from a particular congressional district.

(C) Not more than five (5) members of the state board may be appointed from the membership of any one (1) political party.

(3) One (1) member, who is not a member of the general assembly, appointed by the speaker of the house of representatives.

(4) One (1) member, who is not a member of the general assembly, appointed by the president pro tempore of the senate.

(b) For purposes of subsection (a), an individual is considered to have professional experience in the field of education if the individual has teaching or leadership experience at a postsecondary educational institution or is currently employed as, or is retired from a position as:

(1) a teacher;

(2) a principal;

(3) an assistant superintendent; or

(4) a superintendent.

(c) A quorum consists of six (6) members of the state board. An action of the state board is not official unless the action is authorized by at least six (6) members.

(d) ~~Subject to subsection (e),~~ The members of the state board shall elect a chairperson and vice chairperson annually from the members of the state board. The vice chairperson shall act as chairperson in the absence of the chairperson.

~~(e) Notwithstanding subsection (d), the state superintendent shall serve as the chairperson of the state board until a chairperson is elected under subsection (d) at the first meeting of the state board after December 31, 2016, which shall be held not later than January 15, 2017. A vice chairperson shall be elected at the first meeting of the state board after June 30, 2015, which shall be held not later than August 1, 2015. This subsection expires July 1, 2018.~~

~~(f)~~ **(e)** Except as otherwise provided in subsection ~~(g),~~ **(f),** each member appointed under subsection (a)(2) through (a)(4) serves a four (4) year term. The term begins on July 1.

~~(g)~~ **(f)** A member appointed under subsection (a)(2) through (a)(4) may be removed from the state board by the member's appointing authority for just cause. Vacancies in the appointments to the state board shall be filled by the appointing authority. A member appointed under this subsection serves for the remainder of the unexpired term.

~~(h)~~ **(g)** The state board shall meet at a minimum at least one (1) time each month. The state board shall establish the date of the next monthly meeting during the monthly meeting of the state board. In addition to the monthly meeting required under this subsection, the state board shall meet at the call of the chairperson.

SECTION 74. IC 20-24-2.2-2, AS AMENDED BY P.L.143-2019, SECTION 16, AND AS AMENDED BY P.L.159-2019, SECTION 3, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 2. (a) The minimum standard for renewal and the standard to avoid closure imposed by authorizers on a charter school is a requirement that the charter school not remain in the lowest category or designation of school improvement, including any alternative accountability category or designation, in the third year after initial placement in the lowest category or designation established under IC 20-31-8-4.

(b) An authorizer of a charter school that does not meet the minimum standard for charter school renewal described in subsection (a) may petition the state board at any time to request permission to renew the charter school's charter notwithstanding the fact that the charter school does not meet the minimum standard. If timely notification is made, the state board shall hold a hearing *under section 2.5 of this chapter* to consider the authorizer's request at the state board's next regularly scheduled board meeting.

(c) In determining whether to grant a request under subsection (b), the state board shall consider the following:

(1) Enrollment of students with special challenges, such as drug or alcohol addiction, prior withdrawal from school, prior incarceration, or other special circumstances.

(2) High mobility of the student population resulting from the

specific purpose of the charter school.

(3) Annual improvement in the performance of students enrolled in the charter school, as measured ~~*by IC 20-31-8-1,*~~ *under IC 20-31-8,* compared with the performance of students enrolled in the charter school in the immediately preceding school year.

~~*(d) After the hearing, the state board must implement one (1) or more of the following actions:*~~

~~*(1) Grant the authorizer's request to renew the charter of the charter school. The state board may determine the length of the renewal and any conditions of the renewal placed upon either the charter school or the authorizer.*~~

~~*(2) Order the closure of the charter school at the end of the current school year.*~~

~~*(3) Order the reduction of any administrative fee collected under IC 20-24-7-4 that is applicable to the charter school identified in subsection (b). The reduction must become effective at the beginning of the month following the month of the authorizer's hearing before the state board.*~~

~~*A charter school that is closed by the state board under this section may not be granted a charter by any authorizer.*~~

SECTION 75. IC 20-25.7-5-2, AS AMENDED BY P.L.269-2019, SECTION 5, AND AS AMENDED BY P.L.270-2019, SECTION 6, AND AS AMENDED BY P.L.108-2019, SECTION 212, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 2. (a) The board may enter into an agreement with an organizer to reconstitute an eligible school as a participating innovation network charter school or to establish a participating innovation network charter school at a location selected by the board within the boundary of the school corporation. Notwithstanding ~~*IC 20-26-7-1,*~~ *IC 20-26-7.1,* a participating innovation network charter school may be established within a vacant school building.

(b) The terms of the agreement entered into between the board and an organizer must specify the following:

(1) A statement that the organizer authorizes the department to include the charter school's performance assessment results under IC 20-31-8 when calculating the school corporation's performance

assessment under rules adopted by the state board.

(2) The amount of state funding, including tuition support (if the participating innovation network charter school is treated in the same manner as a school operated by the school corporation under subsection (d)(2)), and money levied as property taxes that will be distributed by the school corporation to the organizer.

(3) The performance goals and accountability metrics agreed upon for the charter school in the charter agreement between the organizer and the authorizer.

(c) If an organizer and the board enter into an agreement under subsection (a), the organizer and the board shall notify the department that the agreement has been made under this section within thirty (30) days after the agreement is entered into.

(d) Upon receipt of the notification under subsection (c), for school years starting after the date of the agreement:

(1) the department shall include the participating innovation network charter school's performance assessment results under IC 20-31-8 when calculating the school corporation's performance assessment under rules adopted by the state board;

(2) the department shall treat the participating innovation network charter school in the same manner as a school operated by the school corporation when calculating the total amount of state funding to be distributed to the school corporation unless subsection (e) applies; and

(3) if requested by a participating innovation network charter school that reconstitutes an eligible school, the department may use student growth as the state board's exclusive means to determine the innovation network charter school's category or designation of school improvement under 511 IAC 6.2-10-10 for a period of three (3) years. *Beginning with the 2019-2020 school year, the department may not use student growth as the state board's exclusive means to determine an innovation network charter school's category or designation of school improvement. This subdivision expires July 1, 2023.*

(e) If a participating innovation network school was established before January 1, 2016, and for the current school year has a complexity index that is greater than the complexity index for the school

corporation that the innovation network school has contracted with, the innovation network school shall be treated as a charter school for purposes of determining tuition support. This subsection expires June 30, ~~*2019.*~~ *2021.*

SECTION 76. IC 20-26-16-6, AS AMENDED BY P.L.270-2019, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 6. (a) A school corporation or charter school police officer appointed under this chapter:

(1) is a law enforcement officer (as defined in IC 5-2-1-2(1));

(2) must take an appropriate oath of office in a form and manner prescribed by the governing body or the equivalent for a charter school;

(3) serves at the governing body's (or the equivalent for a charter school) pleasure; and

(4) performs the duties that the governing body or the equivalent for a charter school assigns.

(b) School corporation or charter school police officers appointed under this chapter have general police powers, including the power to arrest, without process, all persons who within their view commit any offense. They have the same common law and statutory powers, privileges, and immunities as sheriffs and constables, except that they are empowered to serve civil process only to the extent authorized by the employing governing body or the equivalent for a ~~school corporation;~~ **charter school;** however, any powers may be expressly forbidden them by the governing body (or the equivalent for a charter school) employing them. In addition to any other powers or duties, such police officers shall enforce and assist the educators and administrators of their school corporation or charter school in the enforcement of the rules and regulations of the school corporation or charter school and assist and cooperate with other law enforcement agencies and officers.

(c) Such police officers may exercise the powers granted under this section only upon any property owned, leased, or occupied by the school corporation or charter school, including the streets passing through and adjacent to the property. Additional jurisdiction may be established by agreement with the chief of police of the municipality or sheriff of the county or the appropriate law enforcement agency where the property is located, dependent upon the jurisdiction involved.

SECTION 77. IC 20-28-5-12, AS AMENDED BY P.L.143-2019, SECTION 17, AND AS AMENDED BY P.L.275-2019, SECTION 3, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 12. (a) Subsection (b) does not apply to an individual who:

(1) held an Indiana limited, reciprocal, or standard teaching license on June 30, 1985; or

(2) is granted a license under section 18 of this chapter.

(b) The department may not grant an initial practitioner license to an individual unless the individual has demonstrated proficiency in the following areas on a written examination or through other procedures prescribed by the department:

~~*(1) Basic reading, writing, and mathematics.*~~

~~*(2)*~~ *(1)* Pedagogy.

~~*(3)*~~ *(2)* Knowledge of the areas in which the individual is required to have a license to teach.

~~*(4)*~~ *(3)* If the individual is seeking to be licensed as an elementary school teacher, comprehensive scientifically based reading instruction skills, including:

(A) phonemic awareness;

(B) phonics instruction;

(C) fluency;

(D) vocabulary; and

(E) comprehension.

(c) An individual's license examination score may not be disclosed by the department without the individual's consent unless specifically required by state or federal statute or court order.

(d) *Subject to section 22 of this chapter,* the state board shall adopt rules under IC 4-22-2 to do the following:

(1) Adopt, validate, and implement the examination or other procedures required by subsection (b).

(2) Establish examination scores indicating proficiency.

(3) Otherwise carry out the purposes of this section.

(e) Subject to section 18 of this chapter, the state board shall adopt rules under IC 4-22-2 establishing the conditions under which the requirements of this section may be waived for an individual holding a valid teacher's license issued by another state.

SECTION 78. IC 20-28-5-22, AS ADDED BY P.L.143-2019, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 22. (a) This section applies to teacher licensing examinations administered to determine whether an individual demonstrates, in accordance with section 12(b) of this chapter, proficiency in:

~~(1) basic reading, writing, and mathematics;~~

~~(2)~~ **(1)** pedagogy; and

~~(3)~~ **(2)** knowledge of the areas in which the individual is required to have a license to teach.

(b) Not later than July 1, 2020, the state board shall adopt teacher licensing examinations to replace the teacher licensing examinations administered on July 1, 2019.

(c) The state board shall adopt teacher licensing examinations that are already in existence and administered nationally.

(d) The department shall, not later than September 1, 2021, implement the teacher licensing examinations adopted under this section.

(e) The state board may adopt rules under IC 4-22-2 to carry out this section.

SECTION 79. IC 20-34-9-1, AS ADDED BY P.L.153-2019, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1. This chapter does not apply to a virtual charter school (as defined in ~~IC 20-24-7-13(a))~~ **IC 20-24-1-10)** or a virtual accredited nonpublic school.

SECTION 80. IC 20-35-12-12, AS ADDED BY P.L.260-2019, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 12. Not later than March 1, 2020, the center shall:

(1) establish a list of language developmental milestones that:

(A) are, as applicable, aligned to the center's guidelines for infant, toddler, and preschool assessments;

(B) are aligned to the applicable instrument used to assess the development of children with disabilities under federal law;

(C) are aligned with applicable state standards in English language arts; and

(D) **are** based on applicable standardized norms; and

(2) provide to the advisory committee the following:

(A) The list of language developmental milestones established under subdivision (1).

(B) Any relevant information regarding the language developmental milestones on the list provided under clause (A).

SECTION 81. IC 20-35-12-14, AS ADDED BY P.L.260-2019, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 14. (a) The center shall do the following:

(1) Review the lists provided to the center from the advisory committee under section 13 of this chapter.

(2) Select language developmental milestones to include in the parent resource described in subdivision (5).

(3) Not later than July 1, 2020, inform the advisory committee regarding which language developmental milestones the center selected for the parent resource described in subdivision (5).

(4) Not later than July 1, 2020, approve tools and assessments as provided under this chapter to be used in assessing children who are deaf or hard of hearing.

(5) Prepare a parent resource that:

(A) includes the language developmental milestones described in subdivision (2);

(B) can be used by a parent to monitor and track the expressive and receptive language acquisition and developmental stages toward English literacy of children who are deaf or hard of hearing; and

(C) meets the requirements of subsection (b).

(b) The parent resource prepared by the center under subsection (a)(5) must meet the following requirements:

(1) Be appropriate for use, in both content and administration, with children who:

(A) are less than eleven (11) years of age;

(B) are deaf or hard of hearing; and

(C) use:

(i) ASL;

(ii) English; or

(iii) both ASL and English.

(2) Be written for clarity and ease of use by parents.

(3) Be aligned to the applicable:

(A) state standards for infant, toddler, and preschool assessments;

(B) federal standards for assessing the development of children with disabilities; and

(C) state standards in ASL and English language arts.

(4) Include information **explaining** that:

(A) the parent resource is not a formal assessment of language and English literacy development; and

(B) a parent's observation of the parent's child may differ from formal assessment data presented at a meeting for a child's individualized education program, individualized family service plan, or a plan developed under Section 504 of the federal Rehabilitation Act, 29 U.S.C. 794.

(5) Contain the language developmental milestones selected by the center under this section.

(6) Present the language developmental milestones in terms of development of all children who are less than eleven (11) years of age.

(7) Provide information regarding the general development of language, including phonology, semantics, syntax, and pragmatics, to a parent whose child uses a language at home that is not English or ASL.

(8) Provide information on additional supports for language acquisition, including:

(A) amplification device options;

(B) ASL services options; and

(C) other additional supports determined appropriate by the center.

(9) Provide information about special education law in Indiana as the law applies to children who are deaf or hard of hearing.

(10) Provide additional information for parents of children who:

(A) are deaf or hard of hearing; and

(B) have additional disabilities.

(11) Provide notice that a parent of a child has the right to select the language or communication mode for the child's language acquisition and developmental milestone tracking.

(c) The center shall:

(1) distribute the parent resource prepared under this section to parents of children who are deaf or hard of hearing; and

(2) post the parent resource prepared under this section on the center's Internet web site.

SECTION 82. IC 20-50-1-3, AS AMENDED BY P.L.155-2019, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 3. (a) Every local educational agency, regardless of whether it receives a McKinney-Vento Act grant, is required to designate a local liaison under 42 U.S.C. 11432.

(b) The local liaison serves as one (1) of the primary contacts between homeless families and:

(1) school staff;

(2) district personnel;

(3) shelter workers; and

(4) other service providers.

(c) The local liaison coordinates services to ensure the following:

(1) Homeless children and youths are identified by school personnel through outreach and coordination activities with other entities and agencies pursuant to the McKinney-Vento Act.

(2) Homeless children and youths are enrolled in, and have full and equal opportunity to succeed in, school.

(3) Homeless families and homeless children and youths are provided access to receive education services for which the homeless families and homeless children and youths are eligible, including Head Start, early intervention services under the Individuals with Disabilities Education Act, and preschool programs administered by the local educational agency.

(4) Homeless families and homeless children and youths are referred to health, dental, mental health, and substance abuse services, housing services, and other appropriate services.

(5) Parents or guardians of homeless children and youths are informed of educational and related opportunities available to the children and are provided with meaningful opportunities to participate in the education of the children.

(6) Public notice of educational rights of homeless students is disseminated in locations frequented by parents and guardians of homeless children and youths, and unaccompanied youths,

including in schools, shelters, public libraries, and soup kitchens, in a manner and form understandable to the parents and guardians of homeless children and youths and unaccompanied youths.

(7) Enrollment disputes are mediated in accordance with the McKinney-Vento Act.

(8) Parents and guardians of homeless children and youths and unaccompanied youths are fully informed of all transportation services, including transportation to and from the school of origin, and are assisted in accessing transportation services.

(9) School personnel receive professional development and other support.

(10) Unaccompanied youths:

(A) are enrolled in school;

(B) have opportunities to meet the same state academic standards as established for other children and youths; **and**

(C) are informed of the status of unaccompanied youths as independent students under section 40 of the Higher Education Act of 1965 (20 U.S.C. 1087vv), ~~and~~ **to ensure** the rights of unaccompanied youths to receive verification of this status from the local liaison.

SECTION 83. IC 22-13-2-8, AS AMENDED BY P.L.171-2019, SECTION 4, AND AS AMENDED BY P.L.249-2019, SECTION 23, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 8. (a) The commission shall adopt rules under IC 4-22-2 to create equipment laws applicable to regulated lifting devices.

(b) The commission shall adopt rules under IC 4-22-2 to create equipment laws applicable to regulated boilers and pressure vessels.

(c) The commission may adopt emergency rules under IC 4-22-2-37.1 only to adopt by reference all or part of the following national boiler and pressure vessel codes:

(1) The American Society of Mechanical Engineers Boiler and Pressure Vessel Code.

(2) The National Board of Boiler and Pressure Vessel Inspectors Inspection Code.

(3) The American Petroleum Institute 510 Pressure Vessel Inspection Code.

(4) Any subsequent editions of the codes listed in subdivisions (1) through (3).

(d) An emergency rule adopted under subsection (c) expires on the earlier of the following dates:

(1) Not more than two (2) years after the emergency rule is accepted for filing with the publisher of the Indiana Register.

(2) The date a permanent rule is adopted under IC 4-22-2.

(e) ~~*Subject to the approval of the commission, the regulated amusement device safety board established under IC 22-12-4.5*~~ *The commission* shall adopt rules under IC 4-22-2 to create equipment laws applicable to regulated amusement devices.

SECTION 84. IC 22-15-6-2, AS AMENDED BY P.L.171-2019, SECTION 8, AND AS AMENDED BY P.L.249-2019, SECTION 34, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 2. (a) The division ~~*shall*~~ *may* conduct a program of ~~*periodic*~~ inspections of regulated boilers and pressure vessels.

(b) The division ~~*or a boiler and pressure vessel inspector acting under section 4 of this chapter*~~ shall *do the following:*

(1) Issue a regulated boiler and pressure vessel operating permit to an applicant who qualifies under this section.

(2) Perform an operating permit inspection of a boiler or pressure vessel owned by the state.

(3) Conduct a program to audit boiler and pressure vessel inspectors licensed under section 5 of this chapter.

(4) Conduct a program to audit inspections completed by a boiler and pressure vessel inspector licensed under section 5 of this chapter.

(c) Except as provided in subsection ~~*(f),*~~ *(e),* ~~*a*~~ *an operating* permit issued under this section expires one (1) year after it is issued. ~~*The permit terminates if it was issued by an insurance company acting under section 4 of this chapter and the applicant ceases to insure the boiler or pressure vessel covered by the permit against loss by explosion with an insurance company authorized to do business in Indiana.*~~

(d) To qualify for ~~*a*~~ *an operating* permit or to renew ~~*a*~~ *an operating* permit under this section, an applicant must do the following:

(1) Apply for an operating permit on a form approved by the division.

~~*(1)*~~ *(2)* Demonstrate through an inspection, *performed by an inspector licensed under section 5 of this chapter,* that the regulated boiler or pressure vessel covered by the application complies with the rules adopted by the commission.

(3) Submit a report of the inspection conducted under subdivision (2) to the division.

~~*(2)*~~ *(4)* Pay the fee set under IC 22-12-6-6(a)(8).

~~*(e) An inspection under subsection (d)(1) shall be conducted as follows:*~~

~~*(1) An inspection for an initial permit shall be conducted by:*~~

~~*(A) the division; or*~~

~~*(B) an owner or user inspection agency.*~~

~~*(2) An inspection for a renewal permit shall be conducted by one (1) of the following:*~~

~~*(A) An insurance company inspection agency, if the vessel is insured under a boiler and pressure vessel insurance policy and the renewal inspection is not conducted by an owner or user inspection agency.*~~

~~*(B) An owner or user inspection agency.*~~

~~*(C) The division, if:*~~

~~*(i) the owner or user of a vessel is not licensed as an owner or user inspection agency and the vessel is not insured under a boiler and pressure vessel insurance policy; or*~~

~~*(ii) the regulated boiler or pressure vessel operating permit has lapsed.*~~

~~*(f)*~~ *(e)* The commission may, by rule adopted under IC 4-22-2, specify:

(1) a period between inspections of more than one (1) year; *and*

(2) an expiration date for an operating permit longer than one (1) year from the date of issuance.

However, the commission may not set an inspection period of greater than five (5) years *or issue an operating permit valid for a period of more than five (5) years* for regulated pressure vessels or steam generating equipment that is an integral part of a continuous processing unit.

~~(g)~~ *(f)* For any inspection conducted by the division under this section, the division may designate

~~(1) a third party~~ *an* inspector ~~that satisfies the requirements of~~ *licensed under* section 5 of this chapter ~~or~~

~~(2) an inspection agency that satisfies the requirements of section 6 of this chapter;~~

to act as the division's agent for purposes of the inspection.

(g) The commission may adopt emergency rules in the manner provided under IC 4-22-2-37.1 to implement this chapter. An emergency rule adopted under this subsection expires on the earliest 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 4-22-2-22.5 through IC 4-22-2-36 or under IC 4-22-2-37.1.

(3) July 1, 2021.

SECTION 85. IC 22-15-6-5, AS AMENDED BY P.L.171-2019, SECTION 10, AND AS AMENDED BY P.L.249-2019, SECTION 36, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 5. (a) The division shall issue a boiler and pressure vessel inspector license to an applicant who qualifies under this section.

(b) To qualify for a license under this section an applicant must:

(1) meet the qualifications set by the commission in its rules;

(2) pass an examination approved by the commission and conducted, supervised, and graded as prescribed by the commission; and

(3) pay the fee set under IC 22-12-6-6(a)(9).

(c) The commission may exempt an applicant from any part of the examination required by subsection (b) if the applicant has:

(1) a boiler and pressure vessel inspector's license issued by another state with qualifications substantially equal to the qualifications for a license under this section; or

(2) a commission as a boiler and pressure vessel inspector issued by the National Board of Boiler and Pressure Vessel Inspectors.

(d) The commission may sanction a boiler and pressure vessel inspector under IC 22-12-7 if the boiler and pressure vessel inspector

violates this chapter or rules adopted by the commission.

SECTION 86. IC 23-0.5-5-7, AS AMENDED BY P.L.177-2019, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 7. (a) A registered foreign entity may withdraw its registration by delivering a statement of withdrawal to the secretary of state for filing. The statement of withdrawal must be signed by the entity and state:

(1) the name of the entity and its jurisdiction of formation;

(2) that the entity is not doing business in Indiana and that it withdraws its registration to do business in Indiana;

(3) that the entity revokes the authority of its registered agent to accept service of process on its behalf in Indiana;

(4) an address to which service of process may be made under subsection (c); and

(5) a commitment to notify the secretary of state in the future of any change in its street address.

(b) A statement of withdrawal may include an electronic mail address to which service of process may be made under subsection (c). If an electronic mail address is included in the statement of withdrawal, the statement of withdrawal must include a commitment to notify the secretary of state in the future of any change in ~~its~~ **the** electronic mail address.

(c) After the withdrawal of the registration of an entity, service of process in any action or proceeding based on a cause of action arising during the time the entity was registered to do business in Indiana may be made under IC 23-0.5-4-10.

SECTION 87. IC 24-5-0.5-3, AS AMENDED BY P.L.211-2019, SECTION 33, AND AS AMENDED BY P.L.242-2019, SECTION 6, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 3. (a) A supplier may not commit an unfair, abusive, or deceptive act, omission, or practice in connection with a consumer transaction. Such an act, omission, or practice by a supplier is a violation of this chapter whether it occurs before, during, or after the transaction. An act, omission, or practice prohibited by this section includes both implicit and explicit misrepresentations.

(b) Without limiting the scope of subsection (a), the following acts, and the following representations as to the subject matter of a consumer

transaction, made orally, in writing, or by electronic communication, by a supplier, are deceptive acts:

(1) That such subject of a consumer transaction has sponsorship, approval, performance, characteristics, accessories, uses, or benefits it does not have which the supplier knows or should reasonably know it does not have.

(2) That such subject of a consumer transaction is of a particular standard, quality, grade, style, or model, if it is not and if the supplier knows or should reasonably know that it is not.

(3) That such subject of a consumer transaction is new or unused, if it is not and if the supplier knows or should reasonably know that it is not.

(4) That such subject of a consumer transaction will be supplied to the public in greater quantity than the supplier intends or reasonably expects.

(5) That replacement or repair constituting the subject of a consumer transaction is needed, if it is not and if the supplier knows or should reasonably know that it is not.

(6) That a specific price advantage exists as to such subject of a consumer transaction, if it does not and if the supplier knows or should reasonably know that it does not.

(7) That the supplier has a sponsorship, approval, or affiliation in such consumer transaction the supplier does not have, and which the supplier knows or should reasonably know that the supplier does not have.

(8) That such consumer transaction involves or does not involve a warranty, a disclaimer of warranties, or other rights, remedies, or obligations, if the representation is false and if the supplier knows or should reasonably know that the representation is false.

(9) That the consumer will receive a rebate, discount, or other benefit as an inducement for entering into a sale or lease in return for giving the supplier the names of prospective consumers or otherwise helping the supplier to enter into other consumer transactions, if earning the benefit, rebate, or discount is contingent upon the occurrence of an event subsequent to the time the consumer agrees to the purchase or lease.

(10) That the supplier is able to deliver or complete the subject of

the consumer transaction within a stated period of time, when the supplier knows or should reasonably know the supplier could not. If no time period has been stated by the supplier, there is a presumption that the supplier has represented that the supplier will deliver or complete the subject of the consumer transaction within a reasonable time, according to the course of dealing or the usage of the trade.

(11) That the consumer will be able to purchase the subject of the consumer transaction as advertised by the supplier, if the supplier does not intend to sell it.

(12) That the replacement or repair constituting the subject of a consumer transaction can be made by the supplier for the estimate the supplier gives a customer for the replacement or repair, if the specified work is completed and:

(A) the cost exceeds the estimate by an amount equal to or greater than ten percent (10%) of the estimate;

(B) the supplier did not obtain written permission from the customer to authorize the supplier to complete the work even if the cost would exceed the amounts specified in clause (A);

(C) the total cost for services and parts for a single transaction is more than seven hundred fifty dollars ($750); and

(D) the supplier knew or reasonably should have known that the cost would exceed the estimate in the amounts specified in clause (A).

(13) That the replacement or repair constituting the subject of a consumer transaction is needed, and that the supplier disposes of the part repaired or replaced earlier than seventy-two (72) hours after both:

(A) the customer has been notified that the work has been completed; and

(B) the part repaired or replaced has been made available for examination upon the request of the customer.

(14) Engaging in the replacement or repair of the subject of a consumer transaction if the consumer has not authorized the replacement or repair, and if the supplier knows or should reasonably know that it is not authorized.

(15) The act of misrepresenting the geographic location of the

supplier by listing an alternate business name or an assumed business name (as described in IC 23-0.5-3-4) in a local telephone directory if:

(A) the name misrepresents the supplier's geographic location;

(B) the listing fails to identify the locality and state of the supplier's business;

(C) calls to the local telephone number are routinely forwarded or otherwise transferred to a supplier's business location that is outside the calling area covered by the local telephone directory; and

(D) the supplier's business location is located in a county that is not contiguous to a county in the calling area covered by the local telephone directory.

(16) The act of listing an alternate business name or assumed business name (as described in IC 23-0.5-3-4) in a directory assistance data base if:

(A) the name misrepresents the supplier's geographic location;

(B) calls to the local telephone number are routinely forwarded or otherwise transferred to a supplier's business location that is outside the local calling area; and

(C) the supplier's business location is located in a county that is not contiguous to a county in the local calling area.

(17) The violation by a supplier of IC 24-3-4 concerning cigarettes for import or export.

(18) The act of a supplier in knowingly selling or reselling a product to a consumer if the product has been recalled, whether by the order of a court or a regulatory body, or voluntarily by the manufacturer, distributor, or retailer, unless the product has been repaired or modified to correct the defect that was the subject of the recall.

(19) The violation by a supplier of 47 U.S.C. 227, including any rules or regulations issued under 47 U.S.C. 227.

(20) The violation by a supplier of the federal Fair Debt Collection Practices Act (15 U.S.C. 1692 et seq.), including any rules or regulations issued under the federal Fair Debt Collection Practices Act (15 U.S.C. 1692 et seq.).

(21) A violation of IC 24-5-7 (concerning health spa services), as

set forth in IC 24-5-7-17.
(22) A violation of IC 24-5-8 (concerning business opportunity transactions), as set forth in IC 24-5-8-20.
(23) A violation of IC 24-5-10 (concerning home consumer transactions), as set forth in IC 24-5-10-18.
(24) A violation of IC 24-5-11 (concerning real property improvement contracts), as set forth in IC 24-5-11-14.
(25) A violation of IC 24-5-12 (concerning telephone solicitations), as set forth in IC 24-5-12-23.
(26) A violation of IC 24-5-13.5 (concerning buyback motor vehicles), as set forth in IC 24-5-13.5-14.
(27) A violation of IC 24-5-14 (concerning automatic dialing-announcing devices), as set forth in IC 24-5-14-13.
(28) A violation of IC 24-5-15 (concerning credit services organizations), as set forth in IC 24-5-15-11.
(29) A violation of IC 24-5-16 (concerning unlawful motor vehicle subleasing), as set forth in IC 24-5-16-18.
(30) A violation of IC 24-5-17 (concerning environmental marketing claims), as set forth in IC 24-5-17-14.
(31) A violation of IC 24-5-19 (concerning deceptive commercial solicitation), as set forth in IC 24-5-19-11.
(32) A violation of IC 24-5-21 (concerning prescription drug discount cards), as set forth in IC 24-5-21-7.
(33) A violation of IC 24-5-23.5-7 (concerning real estate appraisals), as set forth in IC 24-5-23.5-9.
(34) A violation of IC 24-5-26 (concerning identity theft), as set forth in IC 24-5-26-3.
(35) A violation of IC 24-5.5 (concerning mortgage rescue fraud), as set forth in IC 24-5.5-6-1.
(36) A violation of IC 24-8 (concerning promotional gifts and contests), as set forth in IC 24-8-6-3.
(37) A violation of IC 21-18.5-6 (concerning representations made by a postsecondary credit bearing proprietary educational institution), as set forth in IC 21-18.5-6-22.5.
(38) A violation of IC 24-5-15.5 (concerning collection actions of a plaintiff debt buyer), as set forth in IC 24-5-15.5-6.
~~(38)~~ *(39) A violation of IC 24-14 (concerning towing services),*

as set forth in IC 24-14-10-1.

~~(38)~~ **(40)** *A violation of IC 24-5-14.5 (concerning misleading or inaccurate caller identification information), as set forth in IC 24-5-14.5-12.*

(c) Any representations on or within a product or its packaging or in advertising or promotional materials which would constitute a deceptive act shall be the deceptive act both of the supplier who places such representation thereon or therein, or who authored such materials, and such other suppliers who shall state orally or in writing that such representation is true if such other supplier shall know or have reason to know that such representation was false.

(d) If a supplier shows by a preponderance of the evidence that an act resulted from a bona fide error notwithstanding the maintenance of procedures reasonably adopted to avoid the error, such act shall not be deceptive within the meaning of this chapter.

(e) It shall be a defense to any action brought under this chapter that the representation constituting an alleged deceptive act was one made in good faith by the supplier without knowledge of its falsity and in reliance upon the oral or written representations of the manufacturer, the person from whom the supplier acquired the product, any testing organization, or any other person provided that the source thereof is disclosed to the consumer.

(f) For purposes of subsection (b)(12), a supplier that provides estimates before performing repair or replacement work for a customer shall give the customer a written estimate itemizing as closely as possible the price for labor and parts necessary for the specific job before commencing the work.

(g) For purposes of subsection (b)(15) and (b)(16), a telephone company or other provider of a telephone directory or directory assistance service or its officer or agent is immune from liability for publishing the listing of an alternate business name or assumed business name of a supplier in its directory or directory assistance data base unless the telephone company or other provider of a telephone directory or directory assistance service is the same person as the supplier who has committed the deceptive act.

(h) For purposes of subsection (b)(18), it is an affirmative defense to any action brought under this chapter that the product has been

altered by a person other than the defendant to render the product completely incapable of serving its original purpose.

SECTION 88. IC 24-5-0.5-4, AS AMENDED BY P.L.80-2019, SECTION 8, AND AS AMENDED BY P.L.242-2019, SECTION 7, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 4. (a) A person relying upon an uncured or incurable deceptive act may bring an action for the damages actually suffered as a consumer as a result of the deceptive act or five hundred dollars ($500), whichever is greater. The court may increase damages for a willful deceptive act in an amount that does not exceed the greater of:

(1) three (3) times the actual damages of the consumer suffering the loss; or

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

Except as provided in subsection (j), the court may award reasonable attorney fees to the party that prevails in an action under this subsection. This subsection does not apply to a consumer transaction in real property, including a claim or action involving a construction defect (as defined in IC 32-27-3-1(5)) brought against a construction professional (as defined in IC 32-27-3-1(4)), except for purchases of time shares and camping club memberships. This subsection does not apply with respect to a deceptive act described in section 3(b)(20) of this chapter. This subsection also does not apply to a violation of IC 24-4.7, IC 24-5-12, IC 24-5-14, or IC 24-5-14.5. Actual damages awarded to a person under this section have priority over any civil penalty imposed under this chapter.

(b) Any person who is entitled to bring an action under subsection (a) on the person's own behalf against a supplier for damages for a deceptive act may bring a class action against such supplier on behalf of any class of persons of which that person is a member and which has been damaged by such deceptive act, subject to and under the Indiana Rules of Trial Procedure governing class actions, except as herein expressly provided. Except as provided in subsection (j), the court may award reasonable attorney fees to the party that prevails in a class action under this subsection, provided that such fee shall be determined by the amount of time reasonably expended by the attorney and not by the amount of the judgment, although the contingency of the fee may be

considered. Except in the case of an extension of time granted by the attorney general under IC 24-10-2-2(b) in an action subject to IC 24-10, any money or other property recovered in a class action under this subsection which cannot, with due diligence, be restored to consumers within one (1) year after the judgment becomes final shall be returned to the party depositing the same. This subsection does not apply to a consumer transaction in real property, except for purchases of time shares and camping club memberships. This subsection does not apply with respect to a deceptive act described in section 3(b)(20) of this chapter. Actual damages awarded to a class have priority over any civil penalty imposed under this chapter.

(c) The attorney general may bring an action to enjoin a deceptive act, including a deceptive act described in section 3(b)(20) of this chapter, notwithstanding subsections (a) and (b). However, the attorney general may seek to enjoin patterns of incurable deceptive acts with respect to consumer transactions in real property. In addition, the court may:

(1) issue an injunction;

(2) order the supplier to make payment of the money unlawfully received from the aggrieved consumers to be held in escrow for distribution to aggrieved consumers;

(3) for a knowing violation against a senior consumer, increase the amount of restitution ordered under subdivision (2) in any amount up to three (3) times the amount of damages incurred or value of property or assets lost;

(4) order the supplier to pay to the state the reasonable costs of the attorney general's investigation and prosecution related to the action;

(5) provide for the appointment of a receiver; and

(6) order the department of state revenue to suspend the supplier's registered retail merchant certificate, subject to the requirements and prohibitions contained in IC 6-2.5-8-7(i), if the court finds that a violation of this chapter involved the sale or solicited sale 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 *(repealed)) (before July 1, 2019), a controlled substance analog (as defined in IC 35-48-1-9.3), or a substance represented to be*

a controlled substance (as described in IC 35-48-4-4.6).

(d) In an action under subsection (a), (b), or (c), the court may void or limit the application of contracts or clauses resulting from deceptive acts and order restitution to be paid to aggrieved consumers.

(e) In any action under subsection (a) or (b), upon the filing of the complaint or on the appearance of any defendant, claimant, or any other party, or at any later time, the trial court, the supreme court, or the court of appeals may require the plaintiff, defendant, claimant, or any other party or parties to give security, or additional security, in such sum as the court shall direct to pay all costs, expenses, and disbursements that shall be awarded against that party or which that party may be directed to pay by any interlocutory order by the final judgment or on appeal.

(f) Any person who violates the terms of an injunction issued under subsection (c) shall forfeit and pay to the state a civil penalty of not more than fifteen thousand dollars ($15,000) per violation. For the purposes of this section, the court issuing an injunction shall retain jurisdiction, the cause shall be continued, and the attorney general acting in the name of the state may petition for recovery of civil penalties. Whenever the court determines that an injunction issued under subsection (c) has been violated, the court shall award reasonable costs to the state.

(g) If a court finds any person has knowingly violated section 3 or 10 of this chapter, other than section 3(b)(19), ~~or~~ 3(b)(20), *or* ~~*3(b)(38)*~~ **3(b)(40)** of this chapter, the attorney general, in an action pursuant to subsection (c), may recover from the person on behalf of the state a civil penalty of a fine not exceeding five thousand dollars ($5,000) per violation.

(h) If a court finds that a person has violated section 3(b)(19) of this chapter, the attorney general, in an action under subsection (c), may recover from the person on behalf of the state a civil penalty as follows:

(1) For a knowing or intentional violation, one thousand five hundred dollars ($1,500).

(2) For a violation other than a knowing or intentional violation, five hundred dollars ($500).

A civil penalty recovered under this subsection shall be deposited in the consumer protection division telephone solicitation fund established by IC 24-4.7-3-6 to be used for the administration and enforcement of

section 3(b)(19) of this chapter.

(i) A senior consumer relying upon an uncured or incurable deceptive act, including an act related to hypnotism, may bring an action to recover treble damages, if appropriate.

(j) An offer to cure is:

(1) not admissible as evidence in a proceeding initiated under this section unless the offer to cure is delivered by a supplier to the consumer or a representative of the consumer before the supplier files the supplier's initial response to a complaint; and

(2) only admissible as evidence in a proceeding initiated under this section to prove that a supplier is not liable for attorney's fees under subsection (k).

If the offer to cure is timely delivered by the supplier, the supplier may submit the offer to cure as evidence to prove in the proceeding in accordance with the Indiana Rules of Trial Procedure that the supplier made an offer to cure.

(k) A supplier may not be held liable for the attorney's fees and court costs of the consumer that are incurred following the timely delivery of an offer to cure as described in subsection (j) unless the actual damages awarded, not including attorney's fees and costs, exceed the value of the offer to cure.

(l) If a court finds that a person has knowingly violated section 3(b)(20) of this chapter, the attorney general, in an action under subsection (c), may recover from the person on behalf of the state a civil penalty not exceeding one thousand dollars ($1,000) per consumer. In determining the amount of the civil penalty in any action by the attorney general under this subsection, the court shall consider, among other relevant factors, the frequency and persistence of noncompliance by the debt collector, the nature of the noncompliance, and the extent to which the noncompliance was intentional. A person may not be held liable in any action by the attorney general for a violation of section 3(b)(20) of this chapter if the person shows by a preponderance of evidence that the violation was not intentional and resulted from a bona fide error, notwithstanding the maintenance of procedures reasonably adapted to avoid the error. A person may not be held liable in any action for a violation of this chapter for contacting a person other than the debtor, if the contact is made in compliance with the Fair Debt Collection

Practices Act.

(m) If a court finds that a person has knowingly or intentionally violated section ~~3(b)(38)~~ **3(b)(40)** *of this chapter, the attorney general, in an action under subsection (c), may recover from the person on behalf of the state a civil penalty in accordance with IC 24-5-14.5-12(b). As specified in IC 24-5-14.5-12(b), a civil penalty recovered under IC 24-5-14.5-12(b) shall be deposited in the consumer protection division telephone solicitation fund established by IC 24-4.7-3-6 to be used for the administration and enforcement of IC 24-5-14.5. In addition to the recovery of a civil penalty in accordance with IC 24-5-14.5-12(b), the attorney general may also recover reasonable attorney fees and court costs from the person on behalf of the state. Those funds shall also be deposited in the consumer protection division telephone solicitation fund established by IC 24-4.7-3-6.*

SECTION 89. IC 24-5-15.5-2, AS ADDED BY P.L.280-2019, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 2. As used in this chapter, "debt" has the meaning set forth in ~~15 U.S.C. 1692(a)(5).~~ **15 U.S.C. 1692a(5).**

SECTION 90. IC 25-0.5-3-29, AS AMENDED BY P.L.160-2019, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 29. IC 25-1-2-6(b) applies to the Indiana **board of** physical therapy. ~~board.~~

SECTION 91. IC 25-0.5-4-22, AS AMENDED BY P.L.160-2019, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 22. The Indiana **board of** physical therapy ~~board~~ (IC 25-27-1) is a board under IC 25-1-4.

SECTION 92. IC 25-0.5-5-14, AS AMENDED BY P.L.160-2019, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 14. The Indiana professional licensing agency shall perform administrative functions, duties, and responsibilities for the Indiana **board of** physical therapy ~~board~~ (IC 25-27) under IC 25-1-5-3(a).

SECTION 93. IC 25-0.5-6-13, AS AMENDED BY P.L.160-2019, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 13. An individual licensed, certified, registered, or permitted by the Indiana **board of** physical therapy ~~board~~ (IC 25-27)

is a provider under IC 25-1-5-10.

SECTION 94. IC 25-0.5-8-31, AS AMENDED BY P.L.160-2019, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 31. An occupation for which a person is licensed, certified, or registered by the Indiana **board of** physical therapy ~~board~~ (IC 25-27) is a regulated occupation under IC 25-1-7.

SECTION 95. IC 25-0.5-9-33, AS AMENDED BY P.L.160-2019, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 33. The Indiana **board of** physical therapy ~~board~~ (IC 25-27) is a board under IC 25-1-8.

SECTION 96. IC 25-0.5-10-22, AS AMENDED BY P.L.160-2019, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 22. The Indiana **board of** physical therapy ~~board~~ (IC 25-27) is a board under IC 25-1-8-6.

SECTION 97. IC 25-0.5-11-13, AS AMENDED BY P.L.160-2019, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 13. The Indiana **board of** physical therapy ~~board~~ (IC 25-27-1) is a board under IC 25-1-9.

SECTION 98. IC 25-1-9.7-2, AS AMENDED BY P.L.12-2019, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 2. (a) Except as provided in subsection (b), a prescriber may issue a prescription for an opioid only if the following limitations are met:

(1) If the prescription is for an adult who is being prescribed an opioid for the first time by the prescriber, the initial prescription may not exceed a seven (7) day supply.

(2) If the prescription is for a child who is less than eighteen (18) years of age, the prescription may not exceed a seven (7) day supply.

(3) If the prescription is for an animal **that is being prescribed an opioid** for the first time by the veterinarian, the initial prescription may not exceed a seven (7) day supply.

(b) The limitations set forth in subsection (a) do not apply under any of the following circumstances:

(1) The prescriber is issuing the prescription for the treatment or provision of any of the following:

(A) Cancer.

(B) Palliative care.

(C) Medication-assisted treatment for a substance use disorder.

(D) A condition that is adopted by rule by the medical licensing board under IC 25-22.5-13-8 to be necessary to be exempted from subsection (a).

(2) If, in the professional judgment of a prescriber, a patient requires more than the prescription limitations specified in subsection (a).

(c) If a prescriber:

(1) determines that a drug other than an opioid is not appropriate; and

(2) uses an exemption specified in subsection (b)(1)(B) or (b)(2) and issues a prescription for a patient that exceeds the limitations set forth in subsection (a);

the prescriber shall document in the patient's medical record the indication that a drug other than an opiate was not appropriate and that the patient is receiving palliative care or that the prescriber is using the prescriber's professional judgment for the exemption.

SECTION 99. IC 25-5.2-2-13, AS AMENDED BY P.L.95-2019, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 13. (a) An educational institution or student athlete has a right of action against an athlete agent for damages if the institution or athlete is adversely affected by an act or omission of the agent in violation of this article. An educational institution or student athlete is adversely affected by an act or omission of the agent only if, because of the act or omission, the institution or an individual who was a student athlete at the time of the act or omission and enrolled in the institution:

(1) is suspended or disqualified from participation in an interscholastic or intercollegiate sports event by or under the rules of a state or national federation or association that promotes or regulates interscholastic or intercollegiate sports; or

(2) suffers financial damage.

In an action under this section, the court may award to the prevailing party costs and reasonable attorney's fees. An athlete agent found liable under this section forfeits any right of payment for anything of benefit or value provided to the student athlete and shall refund any

consideration paid to the agent by or on behalf of the athlete.

(b) A right of action under this section does not accrue until the student athlete or educational institution discovers or by the exercise of reasonable diligence would have discovered the violation by the athlete agent.

(c) Any liability of the athlete agent **under** this section is several and not joint.

(d) This article does not restrict rights, remedies, or defenses of any person under law or equity.

SECTION 100. IC 25-21.8-2-4, AS AMENDED BY P.L.249-2019, SECTION 96, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 4. A member of the board may be removed under ~~IC 25-1-6.5.~~ **IC 25-1-6.5-4.**

SECTION 101. IC 25-23-1-1.1, AS AMENDED BY P.L.134-2008, SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1.1. (a) As used in this chapter, "registered nurse" means a person who holds a valid license issued

~~(1)~~ under this chapter or

~~(2) by a party state (as defined in IC 25-23.3-2-11);~~ **IC 25-42** and who bears primary responsibility and accountability for nursing practices based on specialized knowledge, judgment, and skill derived from the principles of biological, physical, and behavioral sciences.

(b) As used in this chapter, "registered nursing" means performance of services which include but are not limited to:

(1) assessing health conditions;

(2) deriving a nursing diagnosis;

(3) executing a nursing regimen through the selection, performance, and management of nursing actions based on nursing diagnoses;

(4) advocating the provision of health care services through collaboration with or referral to other health professionals;

(5) executing regimens delegated by a physician with an unlimited license to practice medicine or osteopathic medicine, a licensed dentist, a licensed chiropractor, a licensed optometrist, or a licensed podiatrist;

(6) teaching, administering, supervising, delegating, and evaluating nursing practice;

(7) delegating tasks which assist in implementing the nursing, medical, or dental regimen; or

(8) performing acts which are approved by the board or by the board in collaboration with the medical licensing board of Indiana.

(c) As used in this chapter, "assessing health conditions" means the collection of data through means such as interviews, observation, and inspection for the purpose of:

(1) deriving a nursing diagnosis;

(2) identifying the need for additional data collection by nursing personnel; and

(3) identifying the need for additional data collection by other health professionals.

(d) As used in this chapter, "nursing regimen" means preventive, restorative, maintenance, and promotion activities which include meeting or assisting with self-care needs, counseling, and teaching.

(e) As used in this chapter, "nursing diagnosis" means the identification of needs which are amenable to nursing regimen.

SECTION 102. IC 25-23-1-1.2, AS AMENDED BY P.L.134-2008, SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1.2. As used in this chapter, "licensed practical nurse" means a person who holds a valid license issued under this chapter or ~~by a party state (as defined in IC 25-23.3-2-11)~~ **IC 25-42** and who functions at the direction of:

(1) a registered nurse;

(2) a physician with an unlimited license to practice medicine or osteopathic medicine;

(3) a licensed dentist;

(4) a licensed chiropractor;

(5) a licensed optometrist; or

(6) a licensed podiatrist;

in the performance of activities commonly performed by practical nurses and requiring special knowledge or skill.

SECTION 103. IC 25-23-1-11, AS AMENDED BY P.L.135-2019, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 11. (a) Any person who applies to the board for a license to practice as a registered nurse must:

(1) not have:

(A) been convicted of a crime that has a direct bearing on the person's ability to practice competently; or

(B) committed an act that would constitute a ground for a disciplinary sanction under IC 25-1-9;

(2) have completed:

(A) the prescribed curriculum and met the graduation requirements of a state accredited program of registered nursing that only accepts students who have a high school diploma or its equivalent as determined by the board; or

(B) the prescribed curriculum and graduation requirements of a nursing education program in a foreign country that is substantially equivalent to a board approved program as determined by the board. The board may by rule adopted under IC 4-22-2 require an applicant under this subsection to successfully complete an examination approved by the board to measure the applicant's qualifications and background in the practice of nursing and proficiency in the English language; and

(3) be physically and mentally capable of and professionally competent to safely engage in the practice of nursing as determined by the board.

The board may not require a person to have a baccalaureate degree in nursing as a prerequisite for licensure.

(b) The applicant must pass an examination in such subjects as the board may determine.

(c) The board may issue by endorsement a license to practice as a registered nurse to an applicant who has been licensed as a registered nurse, by examination, under the laws of another state if the applicant presents proof satisfactory to the board that, at the time that the applicant applies for an Indiana license by endorsement, the applicant holds a current license in another state and possesses credentials and qualifications that are substantially equivalent to requirements in Indiana for licensure by examination. The board may specify by rule what constitutes substantial equivalence under this subsection.

(d) The board may issue by endorsement a license to practice as a registered nurse to an applicant who:

(1) has completed the English version of the:

(A) Canadian Nurse Association Testing Service Examination (CNAT); or

(B) Canadian Registered Nurse Examination (CRNE);

(2) achieved the passing score required on the examination at the time the examination was taken;

(3) is currently licensed in a Canadian province or in another state; and

(4) meets the other requirements under this section.

(e) Each applicant for examination and registration to practice as a registered nurse shall pay:

(1) a fee set by the board; and

(2) if the applicant is applying for a multistate license (as defined in IC 25-42-1-11) under IC 25-42 (Nurse Licensure Compact), a fee of twenty-five dollars ($25) in addition to the fee under subdivision (1);

a part of which must be used for the rehabilitation of impaired registered nurses and impaired licensed practical nurses. Payment of the fee or fees shall be made by the applicant prior to the date of examination. The lesser of the following amounts from fees collected under this subsection shall be deposited in the impaired nurses account of the state general fund established by section 34 of this chapter:

(1) Twenty-five percent (25%) of the license application fee per license applied for under this section.

(2) The cost per license to operate the impaired nurses program, as determined by the Indiana professional licensing agency.

(f) Any person who holds a license to practice as a registered nurse in

~~(1)~~ Indiana or

~~(2) a party state (as defined in IC 25-23.3-2-11);~~ **under IC 25-42** may use the title "Registered Nurse" and the abbreviation "R.N.". No other person shall practice or advertise as or assume the title of registered nurse or use the abbreviation of "R.N." or any other words, letters, signs, or figures to indicate that the person using same is a registered nurse.

SECTION 104. IC 25-23-1-12, AS AMENDED BY P.L.135-2019, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 12. (a) A person who applies to the board for a

license to practice as a licensed practical nurse must:

(1) not have been convicted of:

(A) an act which would constitute a ground for disciplinary sanction under IC 25-1-9; or

(B) a crime that has a direct bearing on the person's ability to practice competently;

(2) have completed:

(A) the prescribed curriculum and met the graduation requirements of a state accredited program of practical nursing that only accepts students who have a high school diploma or its equivalent, as determined by the board; or

(B) the prescribed curriculum and graduation requirements of a nursing education program in a foreign country that is substantially equivalent to a board approved program as determined by the board. The board may by rule adopted under IC 4-22-2 require an applicant under this subsection to successfully complete an examination approved by the board to measure the applicant's qualifications and background in the practice of nursing and proficiency in the English language; and

(3) be physically and mentally capable of, and professionally competent to, safely engage in the practice of practical nursing as determined by the board.

(b) The applicant must pass an examination in such subjects as the board may determine.

(c) The board may issue by endorsement a license to practice as a licensed practical nurse to an applicant who has been licensed as a licensed practical nurse, by examination, under the laws of another state if the applicant presents proof satisfactory to the board that, at the time of application for an Indiana license by endorsement, the applicant possesses credentials and qualifications that are substantially equivalent to requirements in Indiana for licensure by examination. The board may specify by rule what shall constitute substantial equivalence under this subsection.

(d) Each applicant for examination and registration to practice as a practical nurse shall pay:

(1) a fee set by the board; and

(2) if the applicant is applying for a multistate license (as defined in IC 25-42-1-11) under IC 25-42 (Nurse Licensure Compact), a fee of twenty-five dollars ($25) in addition to the fee under subdivision (1);

a part of which must be used for the rehabilitation of impaired registered nurses and impaired licensed practical nurses. Payment of the fees shall be made by the applicant before the date of examination. The lesser of the following amounts from fees collected under this subsection shall be deposited in the impaired nurses account of the state general fund established by section 34 of this chapter:

(1) Twenty-five percent (25%) of the license application fee per license applied for under this section.

(2) The cost per license to operate the impaired nurses program, as determined by the Indiana professional licensing agency.

(e) Any person who holds a license to practice as a licensed practical nurse in

~~(1)~~ Indiana or

~~(2) a party state (as defined in IC 25-23.3-2-11);~~ **under IC 25-42**

may use the title "Licensed Practical Nurse" and the abbreviation "L.P.N.". No other person shall practice or advertise as or assume the title of licensed practical nurse or use the abbreviation of "L.P.N." or any other words, letters, signs, or figures to indicate that the person using them is a licensed practical nurse.

SECTION 105. IC 25-23-1-27, AS AMENDED BY P.L.134-2008, SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 27. A person who:

(1) sells or fraudulently obtains or furnishes any nursing diploma, license or record;

(2) practices nursing under cover of any diploma or license or record illegally or fraudulently obtained or assigned or issued unlawfully or under fraudulent representation;

(3) practices nursing as a registered nurse or licensed practical nurse unless licensed to do so under this chapter or ~~IC 25-23.3;~~ **IC 25-42;**

(4) uses in connection with the person's name any designation tending to imply that the person is a registered nurse or a licensed practical nurse unless licensed to practice under this chapter or

~~IC 25-23.3;~~ **IC 25-42;**

(5) practices nursing during the time the person's license issued under this chapter or ~~IC 25-23.3~~ **IC 25-42** is suspended or revoked;

(6) conducts a school of nursing or a program for the training of practical nurses unless the school or program has been accredited by the board; or

(7) otherwise violates this chapter;

commits a Class B misdemeanor.

SECTION 106. IC 25-23.5-2-4, AS AMENDED BY P.L.249-2019, SECTION 105, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 4. A member of the committee may be removed ~~by the board~~ under IC 25-1-6.5-4.

SECTION 107. IC 25-27-1-1, AS AMENDED BY P.L.160-2019, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1. For the purposes of this chapter:

(1) "Physical therapy" means the care and services provided by or under the direction and supervision of a physical therapist that includes any of the following:

(A) Examining, evaluating, and conduct testing **(as defined in subdivision (16))** on patients with mechanical, physiological, or developmental impairments, functional limitations, and disabilities or other health and movement related conditions in order to determine a physical therapy diagnosis.

(B) Alleviating impairments, functional limitations, and disabilities by designing, implementing, and modifying treatment interventions that may include therapeutic exercise, functional training in home, community, or work integration or reintegration that is related to physical movement and mobility, manual therapy, including soft tissue and joint mobilization or manipulation, therapeutic massage, prescription, application, and fabrication of assistive, adaptive, orthotic, protective, and supportive devices and equipment, including prescription and application of prosthetic devices and equipment, airway clearance techniques, integumentary protection and repair techniques, debridement and wound care, physical agents or modalities, mechanical and electrotherapeutic modalities, and

patient related instruction.

(C) Using solid filiform needles to treat neuromusculoskeletal pain and dysfunction (dry needling), after completing board approved continuing education and complying with applicable board rules. However, a physical therapist may not engage in the practice of acupuncture (as defined in IC 25-2.5-1-5) unless the physical therapist is licensed under IC 25-2.5.

(D) Reducing the risk of injury, impairment, functional limitation, and disability, including the promotion and maintenance of fitness, health, and wellness in populations of all ages.

(E) Engaging in administration, consultation, education, and research.

(2) "Physical therapist" means a person who is licensed under this chapter to practice physical therapy.

(3) "Physical therapist assistant" means a person who:

(A) is certified under this chapter; and

(B) assists a physical therapist in selected components of physical therapy treatment interventions.

(4) "Board" refers to the Indiana board of physical therapy.

(5) "Physical therapy aide" means support personnel who perform designated tasks related to the operation of physical therapy services.

(6) "Person" means an individual.

(7) "Sharp debridement" means the removal of foreign material or dead tissue from or around a wound, without anesthesia and with generally no bleeding, through the use of:

(A) a sterile scalpel;

(B) scissors;

(C) forceps;

(D) tweezers; or

(E) other sharp medical instruments;

in order to expose healthy tissue, prevent infection, and promote healing.

(8) "Spinal manipulation" means a method of skillful and beneficial treatment by which a physical therapist uses direct thrust to move a joint of the patient's spine beyond its normal

range of motion, but without exceeding the limits of anatomical integrity.

(9) "Tasks" means activities that do not require the clinical decision making of a physical therapist or the clinical problem solving of a physical therapist assistant.

(10) "Competence" is the application of knowledge, skills, and behaviors required to function effectively, safely, ethically, and legally within the context of the patient's role and environment.

(11) "Continuing competence" is the process of maintaining and documenting competence through ongoing self-assessment, development, and implementation of a personal learning plan and subsequent reassessment.

(12) "State" means a state, territory, or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico.

(13) "Direct supervision" means that a physical therapist or physical therapist assistant is physically present and immediately available to direct and supervise tasks that are related to patient management.

(14) "General supervision" means supervision provided by a physical therapist who is available by telecommunication.

(15) "Onsite supervision" means supervision provided by a physical therapist who is continuously onsite and present in the department or facility where services are provided. The supervising therapist must be immediately available to the person being supervised and maintain continued involvement in the necessary aspects of patient care.

(16) "Conduct testing" means standard methods and techniques used to gather data about a patient, including, subject to section 2.5(c) of this chapter, electrodiagnostic and electrophysiologic tests and measures. The term does not include x-rays.

(17) "Physical therapy diagnosis" means a systematic examination, evaluation, and testing process that culminates in identifying the dysfunction toward which physical therapy treatment will be directed. The term does not include a medical diagnosis.

SECTION 108. IC 25-27-1-8, AS AMENDED BY P.L.160-2019,

SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 8. (a) The board shall license as a physical therapist or certify as a physical therapist assistant each applicant who:

(1) successfully passes the examination provided for in this chapter; and

(2) is otherwise qualified as required by this chapter.

(b) Subject to IC 25-1-2-6(e), all licenses and certificates issued by the board expire on the date of each even-numbered year specified by the Indiana professional licensing agency under IC 25-1-5-4. A renewal fee established by the board must be paid biennially on or before the date specified by the Indiana professional licensing agency, and if not paid on or before that date, the license or certificate becomes invalid, without further action by the board. A penalty fee set by the board shall be in effect for any reinstatement within three (3) years from the original date of expiration.

(c) An expired license or certificate may be reinstated by the board up to three (3) years after the expiration date if the holder of the expired license or certificate:

(1) pays a penalty fee set by the board;

(2) pays the renewal fees for the biennium; and

(3) demonstrates evidence of continuing competence.

If more than three (3) years have elapsed since expiration of the license or certificate, the holder may be reexamined by the board. The board may adopt rules setting requirements for reinstatement of an expired license.

(d) The ~~committee~~ **board** may issue not more than two (2) temporary permits to a physical therapist or physical therapist assistant. A person with a temporary permit issued under this subsection may practice physical therapy only under the onsite supervision of a licensed physical therapist who is responsible for the patient. A temporary permit may be issued to any person who has paid a fee set by the board and who:

(1) has a valid license from another state to practice physical therapy, or has a valid certificate from another state to act as a physical therapist assistant; or

(2) has applied for and been approved by the board to take the

examination for licensure or certification, has not previously failed the licensure or certification examination in Indiana or any other state, and has:

(A) graduated from a school or program of physical therapy; or

(B) graduated from a two (2) year college level education program for physical therapist assistants that meets the standards set by the board.

The applicant must take the examination within the time limits set by the board.

(e) A temporary permit issued under subsection (d) expires when the applicant becomes licensed or certified, or approved for endorsement licensing or certification by the board, or when the application for licensure has been disapproved, whichever occurs first. An application for licensure or certification is disapproved and any temporary permit based upon the application expires when the applicant fails to take the examination within the time limits set by the board or when the board receives notification of the applicant's failure to pass any required examination in Indiana or any other state.

(f) A holder of a license or certificate under this chapter who intends to retire from practice shall notify the ~~committee~~ **board** in writing. Upon receipt of the notice, the board shall record the fact that the holder of the license or certificate is retired and release the person from further payment of renewal fees. If a holder of the license or certificate surrenders a license or certificate, reinstatement of the license or certificate may be considered by the board upon written request. The board may impose conditions it considers appropriate to the surrender or reinstatement of a surrendered license or certificate. A license or certificate may not be surrendered to the board without the written consent of the board if any disciplinary proceedings are pending against a holder of a license or certificate under this chapter.

SECTION 109. IC 25-35.6-1-8.6, AS ADDED BY P.L.64-2019, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 8.6. (a) The department of education may issue an emergency communication disorder permit to an individual, as necessary, to serve the needs of students who are eligible for speech and language services under the federal Individuals with Disabilities Education Improvement Act (20 U.S.C. 1400 et seq.).

(b) To be eligible to receive an emergency communication disorder permit, an individual must:

(1) have a bachelor's degree in speech, language, and hearing sciences or an equivalent bachelor's degree in this subject area; and

(2) be enrolled, and have submitted a verified plan of study, in a graduate program in communication disorders.

(c) The director of a graduate program in communication disorders shall, at the end of each semester or its equivalent, confirm to the department of education, in a manner prescribed by the department of education, that an individual described in subsection (b) who:

(1) is enrolled in the graduate program; and

(2) holds an emergency communication disorder permit;

complies with subsection (b)(2).

(d) An individual who is issued an emergency communication disorder permit shall have ~~accessibility~~ **access** to a licensed speech-language pathologist in order to collaborate on the provision of services at no additional cost to the school corporation.

(e) An individual with an emergency communication disorder permit may not use a title that states or implies that the individual is a licensed speech-language pathologist.

(f) This section expires June 30, 2021.

SECTION 110. IC 27-8-13-9.5, AS ADDED BY P.L.227-2019, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 9.5. (a) This section applies:

(1) after June 30, 2020; and

(2) to a Medicare supplement policy or certificate made available under section 9(e) of this chapter to an individual who is eligible for and enrolled in Medicare by reason of disability as described in 42 U.S.C. 1395c(2).

(b) A Medicare supplement policy or certificate described in subsection (a) must meet the following requirements:

(1) Except as provided in this section, meet all requirements of this chapter that apply to a Medicare supplement policy or certificate made available to a person who is at least sixty-five (65) years of age and eligible for Medicare as described in 42 U.S.C. 1395c(1).

(2) Be standardized as Plan A by the federal Centers for Medicare and Medicaid Services.

(c) An individual may enroll in a Medicare supplement policy or certificate under this section as follows:

(1) At any time the individual is authorized or required to enroll under federal law.

(2) ~~On:~~ **Either:**

(A) **on** July 1, 2020; or

(B) six (6) months after enrolling in Medicare Part B;

whichever is later.

(3) Within six (6) months after receiving notice that the individual has been retroactively enrolled in Medicare Part B due to a retroactive eligibility decision under 42 U.S.C. 1395.

(4) Within six (6) months after experiencing a qualifying event under 42 U.S.C. 1395.

(d) Notwithstanding any other law, an issuer or another entity may provide to an insurance producer or another agent of the issuer or other entity a commission or other compensation of not more than two percent (2%) of the premium for the sale of a Medicare supplement policy or certificate described in subsection (a).

SECTION 111. IC 27-8-35.5-6, AS ADDED BY P.L.149-2019, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 6. The coverage required by this ~~section~~ **chapter** may not be subject to annual or lifetime limitation, deductible, copayment, or coinsurance provisions that are more restrictive than the annual or lifetime limitation, deductible, copayment, or coinsurance provisions that apply generally under the policy of accident and sickness insurance.

SECTION 112. IC 30-4-9-2, AS ADDED BY P.L.221-2019, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 2. As used in this chapter, the following definitions apply:

(1) "Breach of trust" includes a violation by a trust director or trustee of a duty imposed on that director or trustee by the terms of the trust, this chapter, or the law of this state other than this chapter.

(2) "Directed trust" means a trust for which the terms of the trust

grant a power of direction.

(3) "Directed trustee" means a trustee that is subject to a trust director's power of direction.

(4) "Person" means an individual, estate, business or nonprofit entity, public corporation, government or government subdivision, agency, or instrumentality or other legal entity.

(5) "Power of direction" means a power over a trust granted to a person by the terms of the trust to the extent the power is exercisable while the person is not serving as a trustee. The term includes a power over the investment, management, or distribution of trust property or other matters of trust administration. The term excludes the powers described in section 5(b) of this chapter.

(6) "Settlor" means a person, including a testator, that creates, or contributes property to, a trust. If more than one (1) person creates or contributes property to a trust, each person is a settlor of the portion of the trust property attributable to that person's contribution except to the extent another person has the power to revoke or withdraw that portion.

(7) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any other territory ~~of~~ **or** possession subject to the jurisdiction of the United States.

(8) "Terms of a trust" means:

(A) except as otherwise provided in clause (B), the manifestation of the settlor's intent regarding a trust's provisions as:

(i) expressed in the trust instrument; or

(ii) established by other evidence that would be admissible in a judicial proceeding; or

(B) the trust's provisions as established, determined, or amended by:

(i) a trustee or trust director in accordance with applicable law; or

(ii) court order.

(9) "Trust director" means a person that is granted a power of direction by the terms of a trust to the extent the power is exercisable while the person is not serving as a trustee. The person

is a trust director whether or not the terms of the trust refer to the person as a trust director and whether or not the person is a beneficiary or settlor of the trust.

(10) "Trustee" includes an original, additional, and successor trustee, and a cotrustee.

(11) "Willful misconduct" means intentional wrongdoing, and not mere negligence, gross negligence, or recklessness.

(12) "Wrongdoing" means malicious conduct or conduct designed to defraud or to seek an unconscionable advantage.

SECTION 113. IC 31-25-2-25, AS ADDED BY P.L.106-2019, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 25. The department shall submit a report, not later than December 31 of each year, to the general assembly concerning the kinship **care** navigator program. The report must include the following information:

(1) How the program has provided outreach to kinship care families, including by establishing, publishing, and updating a kinship care Internet web site and other relevant guides or outreach materials.

(2) How the program has coordinated with other state or local agencies that promote service coordination and provide information and referral services.

(3) How the program has established partnerships between public and private agencies, including schools, community based or faith based organizations, and relevant government agencies, to increase the agencies' knowledge of the needs of kinship care families, current foster families, or potential foster families and promote better services for families.

(4) Any other information regarding how the program is supporting any other activities designed to assist kinship caregivers in obtaining benefits and services to improve their caregiving.

A report submitted under this section must be in an electronic format under IC 5-14-6.

SECTION 114. IC 31-26-3.5-2.5, AS ADDED BY P.L.243-2017, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 2.5. Information and training concerning child

welfare substance abuse treatment services must be provided as follows:

(1) The ~~Indiana judicial center~~ **office of judicial administration** shall provide the information and training to juvenile court, circuit court, and superior court judges.

(2) The department shall provide the information and training to the employees of the department.

(3) The public defender council of Indiana shall provide the information and training to public defenders.

SECTION 115. IC 31-32-3-12, AS ADDED BY P.L.41-2019, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 12. (a) The following definitions apply throughout this section:

(1) "Pilot county" means a county selected under subsection (d).

(2) "Voluntary preventative program" refers to a voluntary preventative program under section 11 of this chapter.

(b) The supreme court may establish a pilot program to assist juvenile court judges in five (5) Indiana counties in establishing voluntary preventative programs under section 11 of this chapter for:

(1) at-risk children who are not:

(A) the subject of proceedings over which a juvenile court has jurisdiction; or

(B) participating in a diversionary program or a program of informal adjustment; and

(2) families of children described in subdivision (1).

(c) A pilot program established under subsection ~~(a)~~ **(b)** may provide assistance that includes:

(1) providing grants to the juvenile court in a pilot county for use in establishing and maintaining a voluntary preventative program;

(2) gathering data and consulting with:

(A) schools;

(B) government; and

(C) business and community leaders;

in a pilot county to determine the needs of children in the county;

(3) assisting in developing and coordinating programs and services offered under the voluntary preventative program; and

(4) engaging in continuing outreach to schools in a pilot county to:

(A) inform schools of the availability of services provided

under the voluntary preventative program; and

(B) encourage schools to consider referral of at-risk students to the voluntary preventative program as an adjunct or alternative to disciplinary action by the school.

(d) The five (5) counties selected for participation in a pilot program established under subsection ~~(a)~~ **(b)** should include:

(1) at least one (1) predominantly urban county; and

(2) at least one (1) predominantly rural county;

selected in collaboration with the department, the office of the secretary of family and social services, the department of education, and the governor's workforce cabinet established under IC 4-3-27.

(e) Nonjudicial state, county, and local governmental bodies, including:

(1) the department;

(2) the department of education; **and**

(3) the office of the secretary of family and social services;

shall assist the supreme court as needed to implement a pilot program established under subsection ~~(a).~~ **(b).**

(f) If the Indiana supreme court establishes a pilot program under this section, the office of judicial administration shall issue a report to the legislative council:

(1) for delivery not later than December 1 of the calendar year following the calendar year in which a pilot program is established under subsection ~~(a),~~ **(b);**

(2) prepared in collaboration with:

(A) the department;

(B) the office of the secretary of family and social services; and

(C) the department of education; and

(3) providing information regarding the pilot program, which may include the following:

(A) An enterprise level assessment of:

(i) wraparound services provided to at-risk children and families of at-risk children in the pilot counties; and

(ii) identified gaps in the services described in item (i).

(B) A recommended framework and roadmap for:

(i) improving coordination of; and

(ii) a systematic, integrated approach in delivering;

the services described in clause (A), including the feasibility of further implementation or expansion of the services.

(C) Suggested metrics for measuring the success of the pilot program that are aligned with strategic goals, including specific accountability mechanisms.

SECTION 116. IC 31-34-4-7, AS AMENDED BY P.L.48-2012, SECTION 57, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 7. (a) This section applies to services and programs provided to or on behalf of a child alleged to be a child in need of services at any time before:

(1) entry of a dispositional decree under IC 31-34-20; or

(2) approval of a program of informal adjustment under IC 31-34-8.

(b) Before a juvenile court orders or approves a service, a program, or an out-of-home placement for a child that has not been recommended by the department, the court shall submit the proposed service, program, or placement to the department for consideration. The department shall, within three (3) business days after receipt of the court's proposal, submit to the court a report stating whether the department approves or disapproves the proposed service, program, or placement.

(c) If the department approves the service, program, or placement recommended by the juvenile court, the court may enter an appropriate order to implement the approved proposal. If the department does not approve a service, program, or placement proposed by the juvenile court, the department may recommend an alternative service, program, or placement for the child.

(d) The juvenile court shall accept the recommendations of the department regarding any predispositional services, programs, or placement for the child, unless the juvenile court finds a recommendation is:

(1) unreasonable, based on the facts and circumstances of the case; or

(2) contrary to the welfare and best interests of the child.

(e) If the juvenile court does not accept the recommendations of the department in the report submitted under subsection (b), the court may enter an order that:

(1) requires the department to provide a specified service, program, or placement until entry of a dispositional decree or until the order is otherwise modified or terminated; and

(2) specifically states the reasons why the juvenile court is not accepting the recommendations of the department, including the court's findings under subsection (d).

(f) If the juvenile court enters its findings and order under subsection (e), the department may appeal the juvenile court's order under any available procedure provided by the Indiana Rules of Trial Procedure or the Indiana Rules of Appellate Procedure to allow any disputes arising under this section to be decided in an expeditious manner.

(g) If the department prevails on appeal, the department shall pay the following costs and expenses incurred by or on behalf of the child before the date of the final decision:

(1) Any programs or services implemented during the appeal initiated under subsection (f), other than the cost of an out-of-home placement ordered by the juvenile court.

(2) Any out-of-home placement ordered by the juvenile court and implemented after entry of the court order of placement, if the juvenile court order includes written findings that the placement is an emergency required to protect the health and welfare of the child.

If the court has not made written findings that the placement is an emergency, the department shall file a notice with the ~~Indiana judicial center.~~ **office of judicial administration.**

SECTION 117. IC 31-34-20-2, AS AMENDED BY P.L.85-2017, SECTION 103, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 2. If a court enters a dispositional decree that includes a no contact order under section 1(a)(7) of this chapter:

(1) the clerk of the court that enters a dispositional decree that includes a no contact order under section 1(a)(7) of this chapter shall comply with IC 5-2-9; and

(2) the petitioner shall file a confidential form prescribed or approved by the ~~division of state court administration~~ **office of judicial administration** with the clerk.

SECTION 118. IC 31-34-21-5, AS AMENDED BY P.L.146-2008,

SECTION 607, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 5. (a) The court shall determine:

(1) whether the child's case plan, services, and placement meet the special needs and best interests of the child;

(2) whether the department has made reasonable efforts to provide family services; and

(3) a projected date for the child's return home, the child's adoption placement, the child's emancipation, or the appointment of a legal guardian for the child under section ~~7.5(c)(1)(E)~~ **7.5(c)(1)(D)** of this chapter.

(b) The determination of the court under subsection (a) must be based on findings written after consideration of the following:

(1) Whether the department, the child, or the child's parent, guardian, or custodian has complied with the child's case plan.

(2) Written documentation containing descriptions of:

(A) the family services that have been offered or provided to the child or the child's parent, guardian, or custodian;

(B) the dates during which the family services were offered or provided; and

(C) the outcome arising from offering or providing the family services.

(3) The extent of the efforts made by the department to offer and provide family services.

(4) The extent to which the parent, guardian, or custodian has enhanced the ability to fulfill parental obligations.

(5) The extent to which the parent, guardian, or custodian has visited the child, including the reasons for infrequent visitation.

(6) The extent to which the parent, guardian, or custodian has cooperated with the department.

(7) The child's recovery from any injuries suffered before removal.

(8) Whether any additional services are required for the child or the child's parent, guardian, or custodian and, if so, the nature of those services.

(9) The extent to which the child has been rehabilitated.

(10) If the child is placed out-of-home, whether the child is in the least restrictive, most family-like setting, and whether the child is placed close to the home of the child's parent, guardian, or

custodian.

(11) The extent to which the causes for the child's out-of-home placement or supervision have been alleviated.

(12) Whether current placement or supervision by the department should be continued.

(13) The extent to which the child's parent, guardian, or custodian has participated or has been given the opportunity to participate in case planning, periodic case reviews, dispositional reviews, placement of the child, and visitation.

(14) Whether the department has made reasonable efforts to reunify or preserve a child's family unless reasonable efforts are not required under section 5.6 of this chapter.

(15) Whether it is an appropriate time to prepare or implement a permanency plan for the child under section 7.5 of this chapter.

SECTION 119. IC 31-34-21-7.5, AS AMENDED BY P.L.243-2019, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 7.5. (a) Except as provided in subsection (d), the juvenile court may not approve a permanency plan under subsection ~~(c)(1)(D),~~ **(c)(1)(C),** ~~(c)(1)(E),~~ **(c)(1)(D),** or ~~(c)(1)(F)~~ **(c)(1)(E)** if a person who is currently residing with a person described in subsection ~~(c)(1)(D)~~ **(c)(1)(C)** or ~~(c)(1)(E)~~ **(c)(1)(D)** or in a residence in which the child would be placed under subsection ~~(c)(1)(F)~~ **(c)(1)(E)** has committed an act resulting in a substantiated report of child abuse or neglect, has a juvenile adjudication for an act that would be a nonwaivable offense, as defined in IC 31-9-2-84.8 if committed by an adult, or has a conviction for a nonwaivable offense, as defined in IC 31-9-2-84.8.

(b) Before requesting juvenile court approval of a permanency plan, the department shall conduct a criminal history check (as defined in IC 31-9-2-22.5) to determine if a person described in subsection (a) has committed an act resulting in a substantiated report of child abuse or neglect, has a juvenile adjudication for an act that would be a nonwaivable offense, as defined in IC 31-9-2-84.8 if committed by an adult, or has a conviction for a nonwaivable offense, as defined in IC 31-9-2-84.8. However, the department is not required to conduct a criminal history check under this section if criminal history information under IC 31-34-4-2, IC 31-34-18-6.1, or IC 31-34-20-1.5 establishes

whether a person described in subsection (a) has committed an act resulting in a substantiated report of child abuse or neglect, has a juvenile adjudication for an act that would be a nonwaivable offense, as defined in IC 31-9-2-84.8 if committed by an adult, or has a conviction for a nonwaivable offense, as defined in IC 31-9-2-84.8.

(c) A permanency plan, or plans, if concurrent planning, under this chapter includes the following:

(1) The intended permanent or long term arrangements for care and custody of the child that may include any one (1), or two (2), if concurrent planning, of the following arrangements that the department or the court considers most appropriate and consistent with the best interests of the child:

(A) Return to or continuation of existing custodial care within the home of the child's parent, guardian, or custodian or placement of the child with the child's noncustodial parent.

(B) Placement of the child for adoption.

(C) Placement of the child with a responsible person, including:

(i) an adult sibling;

(ii) a grandparent;

(iii) an aunt;

(iv) an uncle;

(v) a custodial parent of a sibling of the child; or

(vi) another relative;

who is able and willing to act as the child's permanent custodian and carry out the responsibilities required by the permanency plan.

(D) Appointment of a legal guardian. The legal guardian appointed under this section is a caretaker in a judicially created relationship between the child and caretaker that is intended to be permanent and self-sustaining as evidenced by the transfer to the caretaker of the following parental rights with respect to the child:

(i) Care, custody, and control of the child.

(ii) Decision making concerning the child's upbringing.

(E) A supervised independent living arrangement or foster care for the child with a permanency plan of another planned, permanent living arrangement. However, a child less than

sixteen (16) years of age may not have another planned, permanent living arrangement as the child's permanency plan.

(2) A time schedule for implementing the applicable provisions of the permanency plan.

(3) Provisions for temporary or interim arrangements for care and custody of the child, pending completion of implementation of the permanency plan.

(4) Other items required to be included in a case plan under IC 31-34-15 or federal law, consistent with the permanent or long term arrangements described by the permanency plan.

(d) A juvenile court may approve a permanency plan if:

(1) a person described in subsection (a) has:

(A) committed an act resulting in a substantiated report of child abuse or neglect;

(B) been convicted of:

(i) battery (IC 35-42-2-1);

(ii) criminal recklessness (IC 35-42-2-2) as a felony;

(iii) criminal confinement (IC 35-42-3-3) as a felony;

(iv) arson (IC 35-43-1-1) as a felony;

(v) nonsupport of a dependent child (IC 35-46-1-5);

(vi) operating a motorboat while intoxicated (IC 35-46-9-6) as a felony;

(vii) a felony involving a weapon under IC 35-47;

(viii) a felony relating to controlled substances under IC 35-48-4;

(ix) a felony under IC 9-30-5;

(x) attempt to commit a felony listed in items (i) through (ix); or

(xi) a felony that is substantially equivalent to a felony listed in this clause for which the conviction was entered in another jurisdiction;

if the conviction did not occur within the past five (5) years; or

(C) had a juvenile adjudication for a nonwaivable offense, as defined in IC 31-9-2-84.8 that, if committed by an adult, would be a felony; and

(2) the person's commission of the offense, delinquent act, or act of abuse or neglect described in subdivision (1) is not relevant to

the person's present ability to care for a child, and that approval of the permanency plan is in the best interest of the child.

However, a court may not approve a permanency plan if the person has been convicted of a nonwaivable offense, as defined in IC 31-9-2-84.8 that is not specifically excluded under subdivision (1)(B), or has a juvenile adjudication for an act that would be a nonwaivable offense, as defined in IC 31-9-2-84.8 if committed by an adult that is not specifically excluded under subdivision (1)(B).

(e) In making its written finding under subsection (d), the court shall consider the following:

(1) The length of time since the person committed the offense, delinquent act, or act that resulted in the substantiated report of abuse or neglect.

(2) The severity of the offense, delinquent act, or abuse or neglect.

(3) Evidence of the person's rehabilitation, including the person's cooperation with a treatment plan, if applicable.

SECTION 120. IC 31-35-2-4.5, AS AMENDED BY P.L.258-2019, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 4.5. (a) This section applies if:

(1) a court has made a finding under IC 31-34-21-5.6 that reasonable efforts for family preservation or reunification with respect to a child in need of services are not required; or

(2) a child in need of services or a delinquent child:

(A) has been placed in:

(i) a foster family home, child caring institution, or group home licensed under IC 31-27; or

(ii) the home of a relative (as defined in IC 31-9-2-107(c));

as directed by a court in a child in need of services proceeding under IC 31-34 or a delinquency action under IC 31-37; and

(B) has been removed from a parent and has been under the supervision of the department or county probation department for not less than fifteen (15) months of the most recent twenty-two (22) months, beginning with the date the child is removed from the home as a result of the child being alleged to be a child in need of services or a delinquent child.

(b) A person described in section 4(a) of this chapter shall:

(1) file a petition to terminate the parent-child relationship under

section 4 of this chapter; and

(2) request that the petition be set for hearing.

(c) If a petition under subsection (b) is filed by the child's court appointed special advocate or guardian ad litem, the department shall be joined as a party to the petition.

(d) A person described in section 4(a) of this chapter may file a motion to dismiss the petition to terminate the parent-child relationship if any of the following circumstances apply:

(1) That the current case plan prepared by or under the supervision of the department or the probation department under IC 31-34-15, IC 31-37-19-1.5, or IC 31-37-22-4.5 has documented a compelling reason, based on facts and circumstances stated in the petition or motion, for concluding that filing, or proceeding to a final determination of, a petition to terminate the parent-child relationship is not in the best interests of the child. A compelling reason may include the fact that the child is being cared for by a custodian who is a relative (as defined in IC 31-9-2-107(c)).

(2) That:

(A) IC 31-34-21-5.6 is not applicable to the child;

(B) the department or the probation department has not provided family services to the child, parent, or family of the child in accordance with a currently effective case plan prepared under IC 31-34-15 or IC 31-37-19-1.5 or a permanency plan or dispositional decree approved under IC 31-34 or IC 31-37, for the purpose of permitting and facilitating safe return of the child to the child's home; and

(C) the period for completion of the program of family services, as specified in the current case plan, permanency plan, or decree, has not expired.

(3) That:

(A) IC 31-34-21-5.6 is not applicable to the child;

(B) the department has not provided family services to the child, parent, or family of the child, in accordance with applicable provisions of a currently effective case plan prepared under IC 31-34-15 or IC 31-37-19-1.5, or a permanency plan or dispositional decree approved under IC 31-34 or IC 31-37; and

(C) the services that the department has not provided are substantial and material in relation to implementation of a plan to permit safe return of the child to the child's home.

(4) Subject to ~~subjection~~ **subsection** (f), that:

(A) the parent is incarcerated or the parent's prior incarceration is a significant factor in the child having been under the supervision of the department or a county probation department for at least fifteen (15) of the most recent twenty-two (22) months;

(B) the parent maintains a meaningful role in the child's life; and

(C) the department has not documented a reason to conclude that it would otherwise be in the child's best interests to terminate the parent-child relationship.

The motion to dismiss shall specify which of the allegations described in subdivisions (1) through (4) apply to the motion. If the court finds that any of the allegations described in subdivisions (1) through (4) are true, as established by a preponderance of the evidence, the court shall dismiss the petition to terminate the parent-child relationship. In determining whether to dismiss a petition to terminate a parent-child relationship pursuant to a motion to dismiss that specifies allegations described in subdivision (4), the court may consider the length of time remaining in the incarcerated parent's sentence and any other factor the court considers relevant.

(e) If:

(1) a child in need of services or a delinquent child has been removed from a parent and has been under the supervision of the department or county probation department for not less than fifteen (15) months of the most recent twenty-two (22) months, beginning with the date the child is removed from the home as a result of the child being alleged to be a child in need of services or a delinquent child; and

(2) a petition to terminate the parent-child relationship has not been filed by the department or another person described in section 4(a) of this chapter;

a foster parent, relative of the child, or de facto custodian with whom the child has been placed for at least six (6) months may file a notice

with the court that the petition to terminate the parent-child relationship has not been filed as required under subsection (b). Upon the filing of the notice, if the petition to terminate the parent-child relationship has not been filed, the court shall schedule a hearing within thirty (30) days.

(f) Subsection (d)(4) does not apply if the person was incarcerated for any of the following:

(1) A crime described in IC 31-35-3-4.

(2) A crime of child abuse (as defined in IC 5-2-22-1).

(3) Neglect of a dependent (IC 35-46-1-4) **if:**

(A) **the incarceration was for neglect of a dependent** as a Level 5 or above felony; and

(B) the dependent would be the subject of the petition to terminate the parent-child relationship.

SECTION 121. IC 31-37-5-8, AS AMENDED BY P.L.48-2012, SECTION 70, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 8. (a) This section applies to services and programs provided to or on behalf of a child alleged to be a delinquent child at any time before:

(1) entry of a dispositional decree under IC 31-37-19; or

(2) approval of a program of informal adjustment under IC 31-37-9.

(b) Except as provided in subsection (c), before a juvenile court orders or approves a service, a program, or an out-of-home placement for a child:

(1) that is recommended by a probation officer or proposed by the juvenile court;

(2) for which the costs would be payable by the department under IC 31-40-1-2; and

(3) that has not been approved by the department;

the juvenile court shall submit the proposed service, program, or placement to the department for consideration. The department shall, not later than three (3) business days after receipt of the recommendation or proposal, submit to the court a report stating whether the department approves or disapproves the proposed service, program, or placement.

(c) If the juvenile court makes written findings and concludes that an emergency exists requiring an immediate out-of-home placement to

protect the health and welfare of the child, the juvenile court may order or authorize implementation of the placement without first complying with the procedure specified in this section. After entry of an order under this subsection, the juvenile court shall submit a copy of the order to the department for consideration under this section of possible modification or alternatives to the placement and any related services or programs included in the order.

(d) If the department approves the service, program, or placement recommended by the probation officer or juvenile court, the juvenile court may enter an appropriate order to implement the approved proposal. If the department does not approve a service, program, or placement recommended by the probation officer or proposed by the juvenile court, the department may recommend an alternative service, program, or placement for the child.

(e) The juvenile court shall accept the recommendations of the department regarding any predispositional services, programs, or placement for the child unless the juvenile court finds a recommendation is:

(1) unreasonable, based on the facts and circumstances of the case; or

(2) contrary to the welfare and best interests of the child.

(f) If the juvenile court does not accept the recommendations of the department in the report submitted under subsection (b), the court:

(1) may enter an order that:

(A) requires the department to provide a specified service, program, or placement, until entry of a dispositional decree or until the order is otherwise modified or terminated; and

(B) specifically states the reasons why the juvenile court is not accepting the recommendations of the department, including the juvenile court's findings under subsection (e); and

(2) must incorporate all documents referenced in the report submitted to the probation officer or to the court by the department into the order so that the documents are part of the record for any appeal the department may pursue under subsection (g).

(g) If the juvenile court enters its findings and order under subsections (e) and (f), the department may appeal the juvenile court's

order under any available procedure provided by the Indiana Rules of Trial Procedure or the Indiana Rules of Appellate Procedure to allow any disputes arising under this section to be decided in an expeditious manner.

(h) If the department prevails on an appeal initiated under subsection (g), the department shall pay the following costs and expenses incurred by or on behalf of the child before the date of the final decision:

(1) Any programs or services implemented during the appeal, other than the cost of an out-of-home placement ordered by the juvenile court.

(2) Any out-of-home placement ordered by the juvenile court and implemented after entry of the court order of placement, if the court has made written findings that the placement is an emergency required to protect the health and welfare of the child.

If the court has not made written findings that the placement is an emergency, the department shall file a notice with the ~~Indiana judicial center.~~ **office of judicial administration.**

SECTION 122. IC 31-37-18-9, AS AMENDED BY P.L.66-2015, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 9. (a) The juvenile court shall accompany the court's dispositional decree with written findings and conclusions upon the record concerning approval, modification, or rejection of the dispositional recommendations submitted in the predispositional report, including the following specific findings:

(1) The needs of the child for care, treatment, rehabilitation, or placement.

(2) The need for participation by the parent, guardian, or custodian in the plan of care for the child.

(3) Efforts made, if the child is removed from the child's parent, guardian, or custodian, to:

(A) prevent the child's removal from; or

(B) reunite the child with;

the child's parent, guardian, or custodian.

(4) Family services that were offered and provided to:

(A) the child; or

(B) the child's parent, guardian, or custodian.

(5) The court's reasons for the disposition.

(6) Whether the child is a dual status child under IC 31-41.

(b) If the department does not concur with the probation officer's recommendations in the predispositional report and the juvenile court does not follow the department's alternative recommendations, the juvenile court shall:

(1) accompany the court's dispositional decree with written findings that the department's recommendations contained in the predispositional report are:

(A) unreasonable based on the facts and circumstances of the case; or

(B) contrary to the welfare and best interests of the child; and

(2) incorporate all documents referenced in the report submitted to the probation officer or to the court by the department into the order so that the documents are part of the record for any appeal the department may pursue under subsection (d).

(c) The juvenile court may incorporate a finding or conclusion from a predispositional report as a written finding or conclusion upon the record in the court's dispositional decree.

(d) If the juvenile court enters findings and a decree under subsection (b), the department may appeal the juvenile court's decree under any available procedure provided by the Indiana Rules of Trial Procedure or Indiana Rules of Appellate Procedure to allow any disputes arising under this section to be decided in an expeditious manner.

(e) If the department prevails on appeal, the department shall pay the following costs and expenses incurred by or on behalf of the child before the date of the final decision:

(1) Any programs or services implemented during the appeal initiated under subsection (d), other than the cost of an out-of-home placement ordered by the juvenile court. ~~and~~

(2) Any out-of-home placement ordered by the juvenile court and implemented after entry of the dispositional decree or modification order, if the juvenile court has made written findings that the placement is an emergency required to protect the health and welfare of the child.

If the court has not made written findings that the placement is an emergency, the department shall file a notice with the ~~Indiana judicial center.~~ **office of judicial administration.**

SECTION 123. IC 33-37-5-18, AS AMENDED BY P.L.144-2019, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 18. (a) In each criminal action in which a person is convicted of an offense in which the possession or use of a firearm was an element of the offense, the court shall assess a safe schools fee of at least two hundred dollars ($200) and not more than one thousand dollars ($1,000).

(b) ~~In~~ **For** each offense described in IC 9-21-8-52(b), the court may assess a safe schools fee of at least two hundred dollars ($200) and not more than one thousand dollars ($1,000).

(c) In determining the amount of the safe schools fee assessed against a person under subsection (a), a court shall consider the person's ability to pay the fee.

(d) The clerk shall collect the safe schools fee set by the court when a person is convicted of an offense:

(1) in which the possession or use of a firearm was an element of the offense; or

(2) described in IC 9-21-8-52(b) and the court assesses a safe schools fee under subsection (b).

SECTION 124. IC 33-37-7-2, AS AMENDED BY P.L.30-2019, SECTION 20, AND AS AMENDED BY P.L.144-2019, SECTION 18, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 2. (a) The clerk of a circuit court shall distribute semiannually to the auditor of state as the state share for deposit in the homeowner protection unit account established by IC 4-6-12-9 one hundred percent (100%) of the automated record keeping fees collected under IC 33-37-5-21 with respect to actions resulting in the accused person entering into a pretrial diversion program agreement under IC 33-39-1-8 or a deferral program agreement under IC 34-28-5-1 and for deposit in the state general fund seventy percent (70%) of the amount of fees collected under the following:

(1) IC 33-37-4-1(a) (criminal costs fees).

(2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).

(3) IC 33-37-4-3(a) (juvenile costs fees).

(4) IC 33-37-4-4(a) (civil costs fees).

(5) IC 33-37-4-6(a)(1)(A) (small claims costs fees).

(6) IC 33-37-4-7(a) (probate costs fees).

(7) IC 33-37-5-17 (deferred prosecution fees).

(b) The clerk of a circuit court shall distribute semiannually to the auditor of state for deposit in the state user fee fund established in IC 33-37-9-2 the following:

(1) Twenty-five percent (25%) of the drug abuse, prosecution, interdiction, and correction fees collected under IC 33-37-4-1(b)(5).

(2) Twenty-five percent (25%) of the alcohol and drug countermeasures fees collected under IC 33-37-4-1(b)(6), IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).

(3) One hundred percent (100%) of the child abuse prevention fees collected under IC 33-37-4-1(b)(7).

(4) One hundred percent (100%) of the domestic violence prevention and treatment fees collected under IC 33-37-4-1(b)(8).

(5) One hundred percent (100%) of the highway worksite zone fees collected under IC 33-37-4-1(b)(9) and IC 33-37-4-2(b)(5).

(6) ~~*One hundred percent (100%)*~~ *Seventy-five percent (75%)* of the safe schools fee collected under IC 33-37-5-18.

(7) One hundred percent (100%) of the automated record keeping fee collected under IC 33-37-5-21 not distributed under subsection (a).

(c) The clerk of a circuit court shall distribute monthly to the county auditor the following:

(1) Seventy-five percent (75%) of the drug abuse, prosecution, interdiction, and correction fees collected under IC 33-37-4-1(b)(5).

(2) Seventy-five percent (75%) of the alcohol and drug countermeasures fees collected under IC 33-37-4-1(b)(6), IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).

The county auditor shall deposit fees distributed by a clerk under this subsection into the county drug free community fund established under IC 5-2-11.

(d) The clerk of a circuit court shall distribute monthly to the county auditor one hundred percent (100%) of the late payment fees collected under IC 33-37-5-22. The county auditor shall deposit fees distributed by a clerk under this subsection as follows:

(1) If directed to do so by an ordinance adopted by the county fiscal body, the county auditor shall deposit forty percent (40%) of the fees in the clerk's record perpetuation fund established under IC 33-37-5-2 and sixty percent (60%) of the fees in the county general fund.

(2) If the county fiscal body has not adopted an ordinance described in subdivision (1), the county auditor shall deposit all the fees in the county general fund.

(e) The clerk of the circuit court shall distribute semiannually to the auditor of state for deposit in the sexual assault victims assistance fund established by ~~*IC 5-2-6-23(j)*~~ *IC 5-2-6-23(d)* one hundred percent (100%) of the sexual assault victims assistance fees collected under IC 33-37-5-23.

(f) The clerk of a circuit court shall distribute monthly to the county auditor the following:

(1) One hundred percent (100%) of the support and maintenance fees for cases designated as non-Title IV-D child support cases in the Indiana support enforcement tracking system (ISETS) or the successor statewide automated support enforcement system collected under IC 33-37-5-6.

(2) The percentage share of the support and maintenance fees for cases designated as Title IV-D child support cases in ISETS or the successor statewide automated support enforcement system collected under IC 33-37-5-6 that is reimbursable to the county at the federal financial participation rate.

The county clerk shall distribute monthly to the department of child services the percentage share of the support and maintenance fees for cases designated as Title IV-D child support cases in ISETS, or the successor statewide automated support enforcement system, collected under IC 33-37-5-6 that is not reimbursable to the county at the applicable federal financial participation rate.

(g) The clerk of a circuit court shall distribute monthly to the county auditor the following:

(1) One hundred percent (100%) of the small claims service fee under IC 33-37-4-6(a)(1)(B) or IC 33-37-4-6(a)(2) for deposit in the county general fund.

(2) One hundred percent (100%) of the small claims garnishee

service fee under IC 33-37-4-6(a)(1)(C) or IC 33-37-4-6(a)(3) for deposit in the county general fund.

(3) Twenty-five percent (25%) of the safe schools fee collected under IC 33-37-5-18 for deposit in the county general fund.

(h) This subsection does not apply to court administration fees collected in small claims actions filed in a court described in IC 33-34. The clerk of a circuit court shall semiannually distribute to the auditor of state for deposit in the state general fund one hundred percent (100%) of the following:

(1) The public defense administration fee collected under IC 33-37-5-21.2.

(2) The judicial salaries fees collected under IC 33-37-5-26.

(3) The DNA sample processing fees collected under IC 33-37-5-26.2.

(4) The court administration fees collected under IC 33-37-5-27.

(i) The clerk of a circuit court shall semiannually distribute to the auditor of state for deposit in the judicial branch insurance adjustment account established by IC 33-38-5-8.2 one hundred percent (100%) of the judicial insurance adjustment fee collected under IC 33-37-5-25.

(j) The proceeds of the service fee collected under IC 33-37-5-28(b)(1) or IC 33-37-5-28(b)(2) shall be distributed as follows:

(1) The clerk shall distribute one hundred percent (100%) of the service fees collected in a circuit, superior, county, or probate court to the county auditor for deposit in the county general fund.

(2) The clerk shall distribute one hundred percent (100%) of the service fees collected in a city or town court to the city or town fiscal officer for deposit in the city or town general fund.

(k) The proceeds of the garnishee service fee collected under IC 33-37-5-28(b)(3) or IC 33-37-5-28(b)(4) shall be distributed as follows:

(1) The clerk shall distribute one hundred percent (100%) of the garnishee service fees collected in a circuit, superior, county, or probate court to the county auditor for deposit in the county general fund.

(2) The clerk shall distribute one hundred percent (100%) of the garnishee service fees collected in a city or town court to the city

or town fiscal officer for deposit in the city or town general fund.

(l) The clerk of the circuit court shall distribute semiannually to the auditor of state for deposit in the home ownership education account established by IC 5-20-1-27 one hundred percent (100%) of the following:

(1) The mortgage foreclosure counseling and education fees collected under IC 33-37-5-33 (before its expiration on July 1, 2017).

(2) Any civil penalties imposed and collected by a court for a violation of a court order in a foreclosure action under IC 32-30-10.5.

(m) The clerk of a circuit court shall distribute semiannually to the auditor of state one hundred percent (100%) of the pro bono legal services fees collected before July 1, 2022, under IC 33-37-5-31. The auditor of state shall transfer semiannually the pro bono legal services fees to the Indiana Bar Foundation (or a successor entity) as the entity designated to organize and administer the interest on lawyers trust accounts (IOLTA) program under Rule 1.15 of the Rules of Professional Conduct of the Indiana supreme court. The Indiana Bar Foundation shall:

(1) deposit in an appropriate account and otherwise manage the fees the Indiana Bar Foundation receives under this subsection in the same manner the Indiana Bar Foundation deposits and manages the net earnings the Indiana Bar Foundation receives from IOLTA accounts; and

(2) use the fees the Indiana Bar Foundation receives under this subsection to assist or establish approved pro bono legal services programs.

The handling and expenditure of the pro bono legal services fees received under this section by the Indiana Bar Foundation (or its successor entity) are subject to audit by the state board of accounts. The amounts necessary to make the transfers required by this subsection are appropriated from the state general fund.

SECTION 125. IC 33-38-9-11 IS REPEALED [EFFECTIVE JULY 1, 2020]. ~~Sec. 11. (a) This section applies after December 31, 2015, and before January 1, 2017.~~

~~(b) The Indiana judicial center shall review the workload and backlog~~

~~of cases in the Indiana tax court and submit a report to the legislative council based on the center's review by December 1, 2016. The report must contain the following information:~~

~~(1) A review and analysis of the methods and procedures for case disposition in the Indiana tax court, including:~~

~~(A) findings concerning efficiencies of the methods and procedures in the Indiana tax court; and~~

~~(B) recommendations (if any) for necessary improvement of case dispositions in the Indiana tax court.~~

~~(2) Consideration of any reports and recommendations concerning the Indiana tax court prepared and published by the division of~~ **state** ~~court administration under IC 33-24-6-3.~~

~~(c) The tax court judge and tax court personnel under IC 33-26-4-2 shall furnish to the Indiana judicial center or the center's employees all requested tax court information necessary for purposes of this section and that is not otherwise confidential.~~

~~(d) The Indiana judicial center may employ contract services for purposes of this section.~~

~~(e) The report submitted to the legislative council must be in an electronic format under IC 5-14-6.~~

SECTION 126. IC 34-26-5-2, AS AMENDED BY P.L.40-2019, SECTION 3, AND AS AMENDED BY P.L.266-2019, SECTION 6, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 2. (a) A person who is or has been a victim of domestic or family violence may file a petition for an order for protection against a:

(1) family or household member who commits an act of domestic or family violence; or

(2) person who has committed stalking under IC 35-45-10-5 or a sex offense under IC 35-42-4 against the petitioner.

(b) A person who is or has been subjected to harassment may file a petition for an order for protection against a person who has committed repeated acts of harassment against the petitioner.

~~*(b)*~~ *(c)* A parent, a guardian, or another representative may file a petition for an order for protection on behalf of a child against a:

(1) family or household member who commits an act of domestic or family violence;

(2) person who has committed stalking under IC 35-45-10-5 or a sex offense under IC 35-42-4 against the child; ~~or~~

(3) person who has committed repeated acts of harassment against the child; **or**

~~*(3)*~~ **(4)** *person who engaged in a course of conduct involving repeated or continuing contact with a child that is intended to prepare or condition a child for sexual activity (as defined in IC 35-42-4-13).*

~~*(c)*~~ *(d)* A court may issue only one (1) order for each respondent. If a petitioner files a petition against more than one (1) respondent, the court shall:

(1) assign a new case number; and

(2) maintain a separate court file;

for each respondent.

~~*(d)*~~ *(e)* If a petitioner seeks relief against an unemancipated minor, the case may originate in any court of record and, if it is an emergency matter, be processed the same as an ex parte petition. When a hearing is set, the matter may be transferred to a court with juvenile jurisdiction.

SECTION 127. IC 34-46-2-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 4. IC 9-30-6-6 (Concerning **contraband and** chemical tests on blood, urine, or other bodily substance).

SECTION 128. IC 35-33-5-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 4. When the warrant is executed by the seizure of property or things described in it or of any other items:

(1) the officer who executed the warrant shall make a return on it directed to the court or judge, who issued the warrant, and this return must indicate the date and time served and list the items seized; **and**

(2) the items so seized shall be securely held by the law enforcement agency whose officer executed the search warrant under the order of the court trying the cause, except as provided in section ~~6~~ **5** of this chapter.

SECTION 129. IC 35-38-3-3, AS AMENDED BY P.L.191-2019, SECTION 1, AND AS AMENDED BY P.L.211-2019, SECTION 44, IS CORRECTED AND AMENDED TO READ AS FOLLOWS

[EFFECTIVE JULY 1, 2020]: Sec. 3. (a) Except as provided by subsection (b), a person convicted of a misdemeanor may not be committed to the department of correction.

(b) Upon a request from the sheriff, the commissioner may agree to accept custody of a misdemeanant:

(1) if placement in the county jail:

(A) places the inmate in danger of serious bodily injury or death; or

(B) represents a substantial threat to the safety of others;

(2) for other good cause shown; or

(3) if a person has more than five hundred forty-seven (547) days remaining before the person's earliest release date as a result of:

(A) consecutive misdemeanor sentences; or

(B) a sentencing enhancement applied to a misdemeanor sentence.

(c) After June 30, 2014, and before January 1, 2016, a court may not commit a person convicted of a Level 6 felony to the department of correction if the person's earliest possible release date is less than ninety-one (91) days from the date of sentencing, unless the commitment is due to the person violating a condition of probation, parole, or community corrections by committing a new criminal offense.

(d) ~~*After December 31, 2015,*~~ A court may not commit a person convicted of a Level 6 felony to the department of correction unless:

(1) the commitment is due to the revocation of the person's sentence for violating probation, parole, or community corrections and the revocation of the person's sentence is due to a new criminal offense;

(2) the person is convicted of a Level 6 felony that was committed in a penal facility; or

~~*(2)*~~ *(3)* the person:

(A) is convicted of a Level 6 felony and the sentence for that felony is ordered to be served consecutively to the sentence for another felony;

(B) is convicted of a Level 6 felony that is enhanced by an additional fixed term under IC 35-50-2-8 through IC 35-50-2-16; ~~*or*~~

(C) has received an enhanced sentence under IC 9-30-15.5-2;

(D) is a violent offender as defined in IC 35-31.5-2-352(1); or

(E) has two (2) prior unrelated felony convictions;

and the person's earliest possible release date is more than three hundred sixty-five (365) days after the date of sentencing; *or*

~~*(3)*~~ **(4)** *the commitment is due to an agreement made between the sheriff and the department of correction under IC 11-12-6.5.*

A person who may not be committed to the department of correction may be placed on probation, committed to the county jail, or placed in community corrections for assignment to an appropriate community corrections program.

(e) Subject to appropriation from the general assembly, a sheriff is entitled to a per diem and medical expense reimbursement from the department of correction for the cost of incarcerating a person described in subsections (c) and (d) in a county jail. The sheriff is entitled to a per diem and medical expense reimbursement only for the time that the person described in subsections (c) and (d) is incarcerated in the county jail.

(f) Per diem and medical expense reimbursements received by a county under this section or received by a county from the state under any other law for the purpose of reimbursing sheriffs for the cost of incarcerating in county jails persons convicted of felonies:

(1) shall be deposited in the county general fund; and

(2) upon appropriation by the county fiscal body, shall be used by the county sheriff only for the purposes of paying the costs of incarcerating in the county jail persons described in subsections (c) and (d) or other persons convicted of felonies.

(g) The county auditor shall semiannually provide to the county fiscal body and the county sheriff an itemized record of the per diem and medical expense reimbursements received by the county under this section or under any other law for the purpose of reimbursing sheriffs for the cost of incarcerating persons convicted of felonies.

SECTION 130. IC 35-42-4-10, AS AMENDED BY P.L.220-2019, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 10. (a) As used in this section, "offender against children" means a person who is an offender against children under ~~IC 35-42-4-11.~~ **section 11 of this chapter.**

(b) As used in this section, "sexually violent predator" means a person who is a sexually violent predator under IC 35-38-1-7.5.

(c) A sexually violent predator or an offender against children who knowingly or intentionally works for compensation or as a volunteer:

(1) on school property;

(2) at a youth program center;

(3) at a public park;

(4) as a child care provider (as defined by IC 31-33-26-1);

(5) for a child care provider (as defined by IC 31-33-26-1); or

(6) as a provider of:

(A) respite care services and other support services for primary or family caregivers; or

(B) adult day care services;

commits unlawful employment by a sexual predator, a Level 6 felony. However, the offense is a Level 5 felony if the person has a prior unrelated conviction based on the person's failure to comply with any requirement imposed on an offender under IC 11-8-8.

SECTION 131. IC 35-45-13-7, AS AMENDED BY P.L.32-2019, SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 7. (a) A person who knowingly or intentionally makes, distributes, possesses, uses, or assembles an unlawful telecommunications device that is designed, adapted, or used to commit a theft of telecommunications service commits criminal use of telecommunications services, a Class A misdemeanor. However, if the commission of the offense involves at least five (5) unlawful telecommunications devices, the offense is a Level 6 felony.

(b) A person who knowingly or intentionally:

(1) makes, distributes, possesses, uses, or assembles an unlawful telecommunications device that is designed, adapted, or used to:

(A) acquire or facilitate the acquisition of telecommunications service without the consent of the telecommunications service provider; or

(B) conceal, or assist another in concealing, from a telecommunications services provider or authority, or from another person with enforcement authority, the existence or place of origin or destination of telecommunications;

(2) sells, possesses, distributes, gives, transports, or otherwise

transfers to another or offers or advertises for sale:

(A) an unlawful telecommunications device, with the intent to use the unlawful telecommunications device or allow the device to be used for a purpose described in ~~subsection (a) or (b),~~ **this section,** or while knowing or having reason to believe that the device is intended to be so used;

(B) plans or instructions for making or assembling an unlawful telecommunications device, knowing or having reason to believe that the plans or instructions are intended to be used for making or assembling an unlawful telecommunications device; or

(C) material, including hardware, cables, tools, data, computer software, or other information or equipment, knowing that the purchaser or a third person intends to use the material in the manufacture of an unlawful telecommunications device; or

(3) publishes:

(A) the number or code of an existing, a canceled, a revoked, or a nonexistent telephone number, credit number, or other credit device; or

(B) the method of numbering or coding that is employed in the issuance of telephone numbers, credit numbers, or other credit devices;

with knowledge or reason to believe that the information may be used to avoid the payment of a lawful telephone or telegraph toll charge;

commits unauthorized use of telecommunications services, a Class C infraction. A person commits a separate violation for each unlawful telecommunications device involved. However, the offense is a Class A misdemeanor if the person has a prior adjudication or conviction under this section within the previous five (5) years, and a Level 6 felony if the person has a prior adjudication or conviction under this section within the previous five (5) years and the commission of the offense involves at least five (5) unlawful telecommunications devices.

SECTION 132. IC 35-46.5-2-7, AS ADDED BY P.L.66-2019, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 7. (a) A person who knowingly or intentionally commits an offense:

(1) with the intent to benefit, promote, or further the interests of a terrorist organization; or

(2) for the purpose of increasing the person's own standing or position within a terrorist organization;

commits terrorist organization activity, a Level 5 felony. However, the offense is a Level 3 felony if the offense involves, directly or indirectly, the unlawful use of a firearm or weapon of mass destruction.

(b) In determining whether a person committed an offense under this section, the trier of fact may consider a person's association with a terrorist organization, including:

(1) an admission of terrorist organization membership by the person;

(2) a statement by:

(A) a member of the person's family;

(B) the person's guardian; or

(C) a reliable member of the ~~criminal~~ **terrorist** organization;

stating the person is a member of a terrorist organization;

(3) the person associating with one (1) or more members of a terrorist organization;

(4) physical evidence indicating the person is a member of a terrorist organization;

(5) an observation of the person in the company of a known terrorist organization member on at least three (3) occasions;

(6) communications authored by the person indicating terrorist organization membership, promotion of membership in a terrorist organization, or responsibility for an offense committed by a terrorist organization; and

(7) the person's involvement in recruiting terrorist organization members.

SECTION 133. IC 35-48-4-0.5, AS AMENDED BY P.L.80-2019, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 0.5. (a) In determining whether a controlled substance analog has a narcotic, stimulant, depressant, or hallucinogenic effect on the central nervous system, or is represented or intended to have a narcotic, stimulant, depressant, or hallucinogenic effect on the central nervous system, the trier of fact may consider the following:

(1) The actual or relative potential for abuse of the substance.
(2) Scientific evidence of the pharmacological effect of the substance, if known.
(3) The state of current scientific knowledge regarding the substance.
(4) The history and current pattern of abuse of the substance.
(5) The scope, duration, and significance of abuse of the substance.
(6) The risk to the public health presented by the substance.
(7) The substance's psychological or physiological dependence liability.
(8) The behavior demonstrated by the defendant, if the defendant is known to have consumed the substance, or by the end user of the substance that is alleged to have been delivered or otherwise transferred by the defendant.
(9) Whether the substance was diverted from legitimate channels or clandestinely imported, manufactured, or distributed.
(10) Whether the substance is an immediate precursor of a substance controlled under this article.
(11) A comparison of the accepted methods of marketing, distribution, and sales of the substance with the methods of marketing, distribution, and sales of the substance that the substance is purported to be, including:
(A) the packaging of the substance and its appearance in overall finished dosage form;
(B) oral or written statements or representations concerning the substance;
(C) the methods by which the substance is distributed; and
(D) the manner in which the substance is sold to the public.
(12) Any other relevant factor.

(b) For purposes of this chapter, a controlled substance analog that has a narcotic, stimulant, depressant, or hallucinogenic effect **on the central nervous system** shall be treated as the highest scheduled controlled substance under IC 35-48-2 to which it is a controlled substance analog.

(c) It is not a defense to a prosecution for an offense involving a controlled substance analog that the substance's packaging declares that

the substance is not for human consumption.

SECTION 134. IC 35-48-4-12, AS AMENDED BY P.L.80-2019, SECTION 31, AND AS AMENDED BY P.L.190-2019, SECTION 32, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 12. If a person who has no prior conviction of an offense under this article or under a law of another jurisdiction relating to controlled substances pleads guilty to possession of marijuana, hashish, ~~*or*~~ salvia, **or** *smokable hemp* ~~*or a synthetic drug or a synthetic drug lookalike substance*~~ as a misdemeanor, the court, without entering a judgment of conviction and with the consent of the person, may defer further proceedings and place the person in the custody of the court under conditions determined by the court. Upon violation of a condition of the custody, the court may enter a judgment of conviction. However, if the person fulfills the conditions of the custody, the court shall dismiss the charges against the person. There may be only one (1) dismissal under this section with respect to a person.

SECTION 135. IC 36-1-8.5-10, AS AMENDED BY P.L.191-2015, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 10. (a) This section applies to a covered person who:

(1) after submitting a **state address confidentiality form or** written request under section 7(a) of this chapter, obtains a change of name under IC 34-28-2; and

(2) notifies the unit in writing of the name change.

(b) The unit shall prevent a search by the general public of the public property data base web site from disclosing or otherwise associating the covered person's home address with the covered person's former name and new name. The unit may charge a reasonable fee to process a name change under this section.

SECTION 136. IC 36-2-4-8, AS AMENDED BY P.L.278-2019, SECTION 189, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 8. (a) An ordinance, order, or resolution is considered adopted when it is signed by the presiding officer. If required, an adopted ordinance, order, or resolution must be promulgated or published according to statute before it takes effect.

(b) An ordinance prescribing a penalty or forfeiture for a violation

must, before it takes effect, be published once each week for two (2) consecutive weeks, according to IC 5-3-1.

(c) The following apply in addition to the other requirements of this section:

(1) Subject to subsection ~~(g),~~ **(f),** the legislative body of a county shall:

(A) subject to subdivision ~~(3),~~ **(2),** give written notice to the department of environmental management not later than sixty (60) days before amendment or repeal of an environmental restrictive ordinance; and

(B) give written notice to the department of environmental management not later than thirty (30) days after passage, amendment, or repeal of an environmental restrictive ordinance.

(2) Upon written request by the legislative body, the department of environmental management may waive the notice requirement of subdivision (1)(A).

(3) An environmental restrictive ordinance passed or amended after 2009 by the legislative body must state the notice requirements of subdivision (1).

(4) The failure of an environmental restrictive ordinance to comply with subdivision (3) does not void the ordinance.

(d) This section (other than subsection (c)(1)) does not apply to a zoning ordinance or amendment to a zoning ordinance, or a resolution approving a comprehensive plan, that is adopted under IC 36-7.

(e) An ordinance increasing a building permit fee on new development must:

(1) be published:

(A) one (1) time in accordance with IC 5-3-1; and

(B) not later than thirty (30) days after the ordinance is adopted by the legislative body in accordance with IC 5-3-1; and

(2) delay the implementation of the fee increase for ninety (90) days after the date the ordinance is published under subdivision (1).

(f) The notice requirements of subsection (c)(1) apply only if the municipal corporation received under IC 13-25-5-8.5(f) written notice that the department is relying on the environmental restrictive ordinance

referred to in subsection (c)(1) as part of a risk based remediation proposal:

(1) approved by the department; and

(2) conducted under IC 13-22, IC 13-23, IC 13-24, IC 13-25-4, or IC 13-25-5.

SECTION 137. IC 36-2-5-3.7, AS ADDED BY P.L.257-2019, SECTION 101, AND AS ADDED BY P.L.209-2019, SECTION 9, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 3.7. (a) As used in this section, "body" refers to either of the following:

(1) The county fiscal body.

(2) The county executive.

(b) As used in this section, "compensation" has the meaning set forth in section 13 of this chapter.

~~*(b)*~~ *(c)* The county fiscal body may establish a salary schedule that includes compensation for a presiding officer or secretary of a body that is greater than the compensation for other members of the body, if all of the following are satisfied:

(1) All applicable requirements in this chapter are satisfied with respect to the salary schedule that includes the additional compensation.

(2) The additional compensation is being provided because the individual holding the position of presiding officer or secretary:

(A) has additional duties; or

(B) attends additional meetings on behalf of the body;

as compared to other members of the body.

(3) The additional compensation amount applies only for *time* periods during which the individual serves in the capacity as presiding officer or secretary and:

(A) handles additional duties; or

(B) attends additional meetings on behalf of the body;

as compared to other members of the body.

SECTION 138. IC 36-4-3-15.3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 15.3. (a) As used in this section, "prohibition against annexation" means that a municipality may not make further attempts to annex certain territory or any part of that territory.

(b) As used in this section, "settlement agreement" means a written court approved settlement of a dispute involving annexation under this chapter between a municipality and remonstrators.

(c) Under a settlement agreement between the annexing municipality and either:

(1) seventy-five percent (75%) or more of all landowners participating in the remonstrance; or

(2) the owners of more than seventy-five percent (75%) in assessed valuation of the land owned by all landowners participating in the remonstrance;

the parties may mutually agree to a prohibition against annexation of all or part of the territory by the municipality for a period not to exceed twenty (20) years. The settlement agreement may address issues and bind the parties to matters relating to the provision by a municipality of planned services of a noncapital nature and services of a capital improvement nature (as described in section 13(d) of this chapter), in addition to a prohibition against annexation. The settlement agreement is binding upon the successors, heirs, and assigns of the parties to the agreement. However, the settlement agreement may be amended or revised periodically on further agreement between the annexing municipality and landowners who meet the qualifications of ~~subsection (c)(1) or (c)(2).~~ **subdivision (1) or (2).**

SECTION 139. IC 36-7-14-39, AS AMENDED BY P.L.214-2019, SECTION 33, AND AS AMENDED BY P.L.257-2019, SECTION 120, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 39. (a) As used in this section:

"Allocation area" means that part of a redevelopment project area to which an allocation provision of a declaratory resolution adopted under section 15 of this chapter refers for purposes of distribution and allocation of property taxes.

"Base assessed value" means, subject to subsection (j), the following:

(1) If an allocation provision is adopted after June 30, 1995, in a declaratory resolution or an amendment to a declaratory resolution establishing an economic development area:

(A) the net assessed value of all the property as finally determined for the assessment date immediately preceding the

effective date of the allocation provision of the declaratory resolution, as adjusted under subsection (h); plus

(B) to the extent that it is not included in clause (A), the net assessed value of property that is assessed as residential property under the rules of the department of local government finance, *within the allocation area,* as finally determined for ~~*any*~~ *the current* assessment date. ~~*after the effective date of the allocation provision.*~~

(2) If an allocation provision is adopted after June 30, 1997, in a declaratory resolution or an amendment to a declaratory resolution establishing a redevelopment project area:

(A) the net assessed value of all the property as finally determined for the assessment date immediately preceding the effective date of the allocation provision of the declaratory resolution, as adjusted under subsection (h); plus

(B) to the extent that it is not included in clause (A), the net assessed value of property that is assessed as residential property under the rules of the department of local government finance, as finally determined for ~~*any*~~ *the current* assessment date. ~~*after the effective date of the allocation provision.*~~

(3) If:

(A) an allocation provision adopted before June 30, 1995, in a declaratory resolution or an amendment to a declaratory resolution establishing a redevelopment project area expires after June 30, 1997; and

(B) after June 30, 1997, a new allocation provision is included in an amendment to the declaratory resolution;

the net assessed value of all the property as finally determined for the assessment date immediately preceding the effective date of the allocation provision adopted after June 30, 1997, as adjusted under subsection (h).

(4) Except as provided in subdivision (5), for all other allocation areas, the net assessed value of all the property as finally determined for the assessment date immediately preceding the effective date of the allocation provision of the declaratory resolution, as adjusted under subsection (h).

(5) If an allocation area established in an economic development

area before July 1, 1995, is expanded after June 30, 1995, the definition in subdivision (1) applies to the expanded part of the area added after June 30, 1995.

(6) If an allocation area established in a redevelopment project area before July 1, 1997, is expanded after June 30, 1997, the definition in subdivision (2) applies to the expanded part of the area added after June 30, 1997.

Except as provided in section 39.3 of this chapter, "property taxes" means taxes imposed under IC 6-1.1 on real property. However, upon approval by a resolution of the redevelopment commission adopted before June 1, 1987, "property taxes" also includes taxes imposed under IC 6-1.1 on depreciable personal property. If a redevelopment commission adopted before June 1, 1987, a resolution to include within the definition of property taxes, taxes imposed under IC 6-1.1 on depreciable personal property that has a useful life in excess of eight (8) years, the commission may by resolution determine the percentage of taxes imposed under IC 6-1.1 on all depreciable personal property that will be included within the definition of property taxes. However, the percentage included must not exceed twenty-five percent (25%) of the taxes imposed under IC 6-1.1 on all depreciable personal property.

(b) A declaratory resolution adopted under section 15 of this chapter on or before the allocation deadline determined under subsection (i) may include a provision with respect to the allocation and distribution of property taxes for the purposes and in the manner provided in this section. A declaratory resolution previously adopted may include an allocation provision by the amendment of that declaratory resolution on or before the allocation deadline determined under subsection (i) in accordance with the procedures required for its original adoption. A declaratory resolution or amendment that establishes an allocation provision must include a specific finding of fact, supported by evidence, that the adoption of the allocation provision will result in new property taxes in the area that would not have been generated but for the adoption of the allocation provision. For an allocation area established before July 1, 1995, the expiration date of any allocation provisions for the allocation area is June 30, 2025, or the last date of any obligations that are outstanding on July 1, 2015, whichever is later. A declaratory resolution or an amendment that establishes an allocation provision

after June 30, 1995, must specify an expiration date for the allocation provision. For an allocation area established before July 1, 2008, the expiration date may not be more than thirty (30) years after the date on which the allocation provision is established. For an allocation area established after June 30, 2008, the expiration date may not be more than twenty-five (25) years after the date on which the first obligation was incurred to pay principal and interest on bonds or lease rentals on leases payable from tax increment revenues. However, with respect to bonds or other obligations that were issued before July 1, 2008, if any of the bonds or other obligations that were scheduled when issued to mature before the specified expiration date and that are payable only from allocated tax proceeds with respect to the allocation area remain outstanding as of the expiration date, the allocation provision does not expire until all of the bonds or other obligations are no longer outstanding. *Notwithstanding any other law, in the case of an allocation area that is established after June 30, 2019, and that is located in a redevelopment project area described in section 25.1(c)(3)(C) of this chapter, an economic development area described in section 25.1(c)(3)(C) of this chapter, or an urban renewal project area described in section 25.1(c)(3)(C) of this chapter, the expiration date of the allocation provision may not be more than thirty-five (35) years after the date on which the allocation provision is established.* The allocation provision may apply to all or part of the redevelopment project area. The allocation provision must require that any property taxes subsequently levied by or for the benefit of any public body entitled to a distribution of property taxes on taxable property in the allocation area be allocated and distributed as follows:

(1) Except as otherwise provided in this section, the proceeds of the taxes attributable to the lesser of:

(A) the assessed value of the property for the assessment date with respect to which the allocation and distribution is made; or

(B) the base assessed value;

shall be allocated to and, when collected, paid into the funds of the respective taxing units.

(2) The excess of the proceeds of the property taxes imposed for the assessment date with respect to which the allocation and

distribution is made that are attributable to taxes imposed after being approved by the voters in a referendum or local public question conducted after April 30, 2010, not otherwise included in subdivision (1) shall be allocated to and, when collected, paid into the funds of the taxing unit for which the referendum or local public question was conducted.

(3) Except as otherwise provided in this section, property tax proceeds in excess of those described in subdivisions (1) and (2) shall be allocated to the redevelopment district and, when collected, paid into an allocation fund for that allocation area that may be used by the redevelopment district only to do one (1) or more of the following:

(A) Pay the principal of and interest on any obligations payable solely from allocated tax proceeds which are incurred by the redevelopment district for the purpose of financing or refinancing the redevelopment of that allocation area.

(B) Establish, augment, or restore the debt service reserve for bonds payable solely or in part from allocated tax proceeds in that allocation area.

(C) Pay the principal of and interest on bonds payable from allocated tax proceeds in that allocation area and from the special tax levied under section 27 of this chapter.

(D) Pay the principal of and interest on bonds issued by the unit to pay for local public improvements that are physically located in or physically connected to that allocation area.

(E) Pay premiums on the redemption before maturity of bonds payable solely or in part from allocated tax proceeds in that allocation area.

(F) Make payments on leases payable from allocated tax proceeds in that allocation area under section 25.2 of this chapter.

(G) Reimburse the unit for expenditures made by it for local public improvements (which include buildings, parking facilities, and other items described in section 25.1(a) of this chapter) that are physically located in or physically connected to that allocation area.

(H) Reimburse the unit for rentals paid by it for a building or

parking facility that is physically located in or physically connected to that allocation area under any lease entered into under IC 36-1-10.

(I) For property taxes first due and payable before January 1, 2009, pay all or a part of a property tax replacement credit to taxpayers in an allocation area as determined by the redevelopment commission. This credit equals the amount determined under the following STEPS for each taxpayer in a taxing district (as defined in IC 6-1.1-1-20) that contains all or part of the allocation area:

STEP ONE: Determine that part of the sum of the amounts under IC 6-1.1-21-2(g)(1)(A), IC 6-1.1-21-2(g)(2), IC 6-1.1-21-2(g)(3), IC 6-1.1-21-2(g)(4), and IC 6-1.1-21-2(g)(5) (before their repeal) that is attributable to the taxing district.

STEP TWO: Divide:

(i) that part of each county's eligible property tax replacement amount (as defined in IC 6-1.1-21-2 (before its repeal)) for that year as determined under IC 6-1.1-21-4 (before its repeal) that is attributable to the taxing district; by

(ii) the STEP ONE sum.

STEP THREE: Multiply:

(i) the STEP TWO quotient; times

(ii) the total amount of the taxpayer's taxes (as defined in IC 6-1.1-21-2 (before its repeal)) levied in the taxing district that have been allocated during that year to an allocation fund under this section.

If not all the taxpayers in an allocation area receive the credit in full, each taxpayer in the allocation area is entitled to receive the same proportion of the credit. A taxpayer may not receive a credit under this section and a credit under section 39.5 of this chapter (before its repeal) in the same year.

(J) Pay expenses incurred by the redevelopment commission for local public improvements that are in the allocation area or serving the allocation area. Public improvements include buildings, parking facilities, and other items described in section 25.1(a) of this chapter.

(K) Reimburse public and private entities for expenses incurred in training employees of industrial facilities that are located:

(i) in the allocation area; and

(ii) on a parcel of real property that has been classified as industrial property under the rules of the department of local government finance.

However, the total amount of money spent for this purpose in any year may not exceed the total amount of money in the allocation fund that is attributable to property taxes paid by the industrial facilities described in this clause. The reimbursements under this clause must be made within three (3) years after the date on which the investments that are the basis for the increment financing are made.

(L) Pay the costs of carrying out an eligible efficiency project (as defined in IC 36-9-41-1.5) within the unit that established the redevelopment commission. However, property tax proceeds may be used under this clause to pay the costs of carrying out an eligible efficiency project only if those property tax proceeds exceed the amount necessary to do the following:

(i) Make, when due, any payments required under clauses (A) through (K), including any payments of principal and interest on bonds and other obligations payable under this subdivision, any payments of premiums under this subdivision on the redemption before maturity of bonds, and any payments on leases payable under this subdivision.

(ii) Make any reimbursements required under this subdivision.

(iii) Pay any expenses required under this subdivision.

(iv) Establish, augment, or restore any debt service reserve under this subdivision.

(M) Expend money and provide financial assistance as authorized in section 12.2(a)(27) of this chapter.

The allocation fund may not be used for operating expenses of the commission.

(4) Except as provided in subsection (g), before June 15 of each year, the commission shall do the following:

(A) Determine the amount, if any, by which the assessed value

of the taxable property in the allocation area for the most recent assessment date minus the base assessed value, when multiplied by the estimated tax rate of the allocation area, will exceed the amount of assessed value needed to produce the property taxes necessary to make, when due, principal and interest payments on bonds described in subdivision (3), plus the amount necessary for other purposes described in subdivision (3).

(B) Provide a written notice to the county auditor, the fiscal body of the county or municipality that established the department of redevelopment, the officers who are authorized to fix budgets, tax rates, and tax levies under IC 6-1.1-17-5 for each of the other taxing units that is wholly or partly located within the allocation area, and (in an electronic format) the department of local government finance. The notice must:

(i) state the amount, if any, of excess assessed value that the commission has determined may be allocated to the respective taxing units in the manner prescribed in subdivision (1); or

(ii) state that the commission has determined that there is no excess assessed value that may be allocated to the respective taxing units in the manner prescribed in subdivision (1).

The county auditor shall allocate to the respective taxing units the amount, if any, of excess assessed value determined by the commission. The commission may not authorize an allocation of assessed value to the respective taxing units under this subdivision if to do so would endanger the interests of the holders of bonds described in subdivision (3) or lessors under section 25.3 of this chapter.

(C) If:

(i) the amount of excess assessed value determined by the commission is expected to generate more than two hundred percent (200%) of the amount of allocated tax proceeds necessary to make, when due, principal and interest payments on bonds described in subdivision (3); plus

(ii) the amount necessary for other purposes described in subdivision (3);

the commission shall submit to the legislative body of the unit its determination of the excess assessed value that the commission proposes to allocate to the respective taxing units in the manner prescribed in subdivision (1). The legislative body of the unit may approve the commission's determination or modify the amount of the excess assessed value that will be allocated to the respective taxing units in the manner prescribed in subdivision (1).

(5) Notwithstanding subdivision (4), in the case of an allocation area that is established after June 30, 2019, and that is located in a redevelopment project area described in section 25.1(c)(3)(C) of this chapter, an economic development area described in section 25.1(c)(3)(C) of this chapter, or an urban renewal project area described in section 25.1(c)(3)(C) of this chapter, for each year the allocation provision is in effect, if the amount of excess assessed value determined by the commission under subdivision (4)(A) is expected to generate more than two hundred percent (200%) of:

(A) the amount of allocated tax proceeds necessary to make, when due, principal and interest payments on bonds described in subdivision (3) for the project; plus

(B) the amount necessary for other purposes described in subdivision (3) for the project;

the amount of the excess assessed value that generates more than two hundred percent (200%) of the amounts described in clauses (A) and (B) shall be allocated to the respective taxing units in the manner prescribed by subdivision (1).

(c) For the purpose of allocating taxes levied by or for any taxing unit or units, the assessed value of taxable property in a territory in the allocation area that is annexed by any taxing unit after the effective date of the allocation provision of the declaratory resolution is the lesser of:

(1) the assessed value of the property for the assessment date with respect to which the allocation and distribution is made; or

(2) the base assessed value.

(d) Property tax proceeds allocable to the redevelopment district under subsection (b)(3) may, subject to subsection (b)(4), be irrevocably pledged by the redevelopment district for payment as set

forth in subsection (b)(3).

(e) Notwithstanding any other law, each assessor shall, upon petition of the redevelopment commission, reassess the taxable property situated upon or in, or added to, the allocation area, effective on the next assessment date after the petition.

(f) Notwithstanding any other law, the assessed value of all taxable property in the allocation area, for purposes of tax limitation, property tax replacement, and formulation of the budget, tax rate, and tax levy for each political subdivision in which the property is located is the lesser of:

(1) the assessed value of the property as valued without regard to this section; or

(2) the base assessed value.

(g) If any part of the allocation area is located in an enterprise zone created under IC 5-28-15, the unit that designated the allocation area shall create funds as specified in this subsection. A unit that has obligations, bonds, or leases payable from allocated tax proceeds under subsection (b)(3) shall establish an allocation fund for the purposes specified in subsection (b)(3) and a special zone fund. Such a unit shall, until the end of the enterprise zone phase out period, deposit each year in the special zone fund any amount in the allocation fund derived from property tax proceeds in excess of those described in subsection (b)(1) and (b)(2) from property located in the enterprise zone that exceeds the amount sufficient for the purposes specified in subsection (b)(3) for the year. The amount sufficient for purposes specified in subsection (b)(3) for the year shall be determined based on the pro rata portion of such current property tax proceeds from the part of the enterprise zone that is within the allocation area as compared to all such current property tax proceeds derived from the allocation area. A unit that has no obligations, bonds, or leases payable from allocated tax proceeds under subsection (b)(3) shall establish a special zone fund and deposit all the property tax proceeds in excess of those described in subsection (b)(1) and (b)(2) in the fund derived from property tax proceeds in excess of those described in subsection (b)(1) and (b)(2) from property located in the enterprise zone. The unit that creates the special zone fund shall use the fund (based on the recommendations of the urban enterprise association) for programs in job training, job enrichment, and basic skill

development that are designed to benefit residents and employers in the enterprise zone or other purposes specified in subsection (b)(3), except that where reference is made in subsection (b)(3) to allocation area it shall refer for purposes of payments from the special zone fund only to that part of the allocation area that is also located in the enterprise zone. Those programs shall reserve at least one-half (1/2) of their enrollment in any session for residents of the enterprise zone.

(h) The state board of accounts and department of local government finance shall make the rules and prescribe the forms and procedures that they consider expedient for the implementation of this chapter. After each reassessment in an area under a reassessment plan prepared under IC 6-1.1-4-4.2, the department of local government finance shall adjust the base assessed value one (1) time to neutralize any effect of the reassessment of the real property in the area on the property tax proceeds allocated to the redevelopment district under this section. After each annual adjustment under IC 6-1.1-4-4.5, the department of local government finance shall adjust the base assessed value one (1) time to neutralize any effect of the annual adjustment on the property tax proceeds allocated to the redevelopment district under this section. However, the adjustments under this subsection:

(1) may not include the effect of phasing in assessed value due to property tax abatements under IC 6-1.1-12.1;

(2) may not produce less property tax proceeds allocable to the redevelopment district under subsection (b)(3) than would otherwise have been received if the reassessment under the reassessment plan or the annual adjustment had not occurred; and

(3) may decrease base assessed value only to the extent that assessed values in the allocation area have been decreased due to annual adjustments or the reassessment under the reassessment plan.

Assessed value increases attributable to the application of an abatement schedule under IC 6-1.1-12.1 may not be included in the base assessed value of an allocation area. The department of local government finance may prescribe procedures for county and township officials to follow to assist the department in making the adjustments.

(i) The allocation deadline referred to in subsection (b) is determined in the following manner:

(1) The initial allocation deadline is December 31, 2011.

(2) Subject to subdivision (3), the initial allocation deadline and subsequent allocation deadlines are automatically extended in increments of five (5) years, so that allocation deadlines subsequent to the initial allocation deadline fall on December 31, 2016, and December 31 of each fifth year thereafter.

(3) At least one (1) year before the date of an allocation deadline determined under subdivision (2), the general assembly may enact a law that:

(A) terminates the automatic extension of allocation deadlines under subdivision (2); and

(B) specifically designates a particular date as the final allocation deadline.

(j) If a redevelopment commission adopts a declaratory resolution or an amendment to a declaratory resolution that contains an allocation provision and the redevelopment commission makes either of the filings required under section 17(e) of this chapter after the first anniversary of the effective date of the allocation provision, the auditor of the county in which the unit is located shall compute the base assessed value for the allocation area using the assessment date immediately preceding the later of:

(1) the date on which the documents are filed with the county auditor; or

(2) the date on which the documents are filed with the department of local government finance.

SECTION 140. IC 36-7-15.1-26, AS AMENDED BY P.L.214-2019, SECTION 39, AND AS AMENDED BY P.L.257-2019, SECTION 126, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 26. (a) As used in this section:

"Allocation area" means that part of a redevelopment project area to which an allocation provision of a resolution adopted under section 8 of this chapter refers for purposes of distribution and allocation of property taxes.

"Base assessed value" means, subject to subsection (j), the following:

(1) If an allocation provision is adopted after June 30, 1995, in a

declaratory resolution or an amendment to a declaratory resolution establishing an economic development area:

(A) the net assessed value of all the property as finally determined for the assessment date immediately preceding the effective date of the allocation provision of the declaratory resolution, as adjusted under subsection (h); plus

(B) to the extent that it is not included in clause (A), the net assessed value of property that is assessed as residential property under the rules of the department of local government finance, *within the allocation area,* as finally determined for ~~*any*~~ *the current* assessment date. ~~*after the effective date of the allocation provision.*~~

(2) If an allocation provision is adopted after June 30, 1997, in a declaratory resolution or an amendment to a declaratory resolution establishing a redevelopment project area:

(A) the net assessed value of all the property as finally determined for the assessment date immediately preceding the effective date of the allocation provision of the declaratory resolution, as adjusted under subsection (h); plus

(B) to the extent that it is not included in clause (A), the net assessed value of property that is assessed as residential property under the rules of the department of local government finance, *within the allocation area,* as finally determined for ~~*any*~~ *the current* assessment date. ~~*after the effective date of the allocation provision.*~~

(3) If:

(A) an allocation provision adopted before June 30, 1995, in a declaratory resolution or an amendment to a declaratory resolution establishing a redevelopment project area expires after June 30, 1997; and

(B) after June 30, 1997, a new allocation provision is included in an amendment to the declaratory resolution;

the net assessed value of all the property as finally determined for the assessment date immediately preceding the effective date of the allocation provision adopted after June 30, 1997, as adjusted under subsection (h).

(4) Except as provided in subdivision (5), for all other allocation

areas, the net assessed value of all the property as finally determined for the assessment date immediately preceding the effective date of the allocation provision of the declaratory resolution, as adjusted under subsection (h).

(5) If an allocation area established in an economic development area before July 1, 1995, is expanded after June 30, 1995, the definition in subdivision (1) applies to the expanded part of the area added after June 30, 1995.

(6) If an allocation area established in a redevelopment project area before July 1, 1997, is expanded after June 30, 1997, the definition in subdivision (2) applies to the expanded part of the area added after June 30, 1997.

Except as provided in section 26.2 of this chapter, "property taxes" means taxes imposed under IC 6-1.1 on real property. However, upon approval by a resolution of the redevelopment commission adopted before June 1, 1987, "property taxes" also includes taxes imposed under IC 6-1.1 on depreciable personal property. If a redevelopment commission adopted before June 1, 1987, a resolution to include within the definition of property taxes, taxes imposed under IC 6-1.1 on depreciable personal property that has a useful life in excess of eight (8) years, the commission may by resolution determine the percentage of taxes imposed under IC 6-1.1 on all depreciable personal property that will be included within the definition of property taxes. However, the percentage included must not exceed twenty-five percent (25%) of the taxes imposed under IC 6-1.1 on all depreciable personal property.

(b) A resolution adopted under section 8 of this chapter on or before the allocation deadline determined under subsection (i) may include a provision with respect to the allocation and distribution of property taxes for the purposes and in the manner provided in this section. A resolution previously adopted may include an allocation provision by the amendment of that resolution on or before the allocation deadline determined under subsection (i) in accordance with the procedures required for its original adoption. A declaratory resolution or amendment that establishes an allocation provision must include a specific finding of fact, supported by evidence, that the adoption of the allocation provision will result in new property taxes in the area that would not have been generated but for the adoption of the allocation

provision. For an allocation area established before July 1, 1995, the expiration date of any allocation provisions for the allocation area is June 30, 2025, or the last date of any obligations that are outstanding on July 1, 2015, whichever is later. However, for an allocation area identified as the Consolidated Allocation Area in the report submitted in 2013 to the fiscal body under section 36.3 of this chapter, the expiration date of any allocation provisions for the allocation area is January 1, 2051. A declaratory resolution or an amendment that establishes an allocation provision after June 30, 1995, must specify an expiration date for the allocation provision. For an allocation area established before July 1, 2008, the expiration date may not be more than thirty (30) years after the date on which the allocation provision is established. For an allocation area established after June 30, 2008, the expiration date may not be more than twenty-five (25) years after the date on which the first obligation was incurred to pay principal and interest on bonds or lease rentals on leases payable from tax increment revenues. However, with respect to bonds or other obligations that were issued before July 1, 2008, if any of the bonds or other obligations that were scheduled when issued to mature before the specified expiration date and that are payable only from allocated tax proceeds with respect to the allocation area remain outstanding as of the expiration date, the allocation provision does not expire until all of the bonds or other obligations are no longer outstanding. The allocation provision may apply to all or part of the redevelopment project area. The allocation provision must require that any property taxes subsequently levied by or for the benefit of any public body entitled to a distribution of property taxes on taxable property in the allocation area be allocated and distributed as follows:

(1) Except as otherwise provided in this section, the proceeds of the taxes attributable to the lesser of:

(A) the assessed value of the property for the assessment date with respect to which the allocation and distribution is made; or

(B) the base assessed value;

shall be allocated to and, when collected, paid into the funds of the respective taxing units.

(2) The excess of the proceeds of the property taxes imposed for

the assessment date with respect to which the allocation and distribution is made that are attributable to taxes imposed after being approved by the voters in a referendum or local public question conducted after April 30, 2010, not otherwise included in subdivision (1) shall be allocated to and, when collected, paid into the funds of the taxing unit for which the referendum or local public question was conducted.

(3) Except as otherwise provided in this section, property tax proceeds in excess of those described in subdivisions (1) and (2) shall be allocated to the redevelopment district and, when collected, paid into a special fund for that allocation area that may be used by the redevelopment district only to do one (1) or more of the following:

(A) Pay the principal of and interest on any obligations payable solely from allocated tax proceeds that are incurred by the redevelopment district for the purpose of financing or refinancing the redevelopment of that allocation area.

(B) Establish, augment, or restore the debt service reserve for bonds payable solely or in part from allocated tax proceeds in that allocation area.

(C) Pay the principal of and interest on bonds payable from allocated tax proceeds in that allocation area and from the special tax levied under section 19 of this chapter.

(D) Pay the principal of and interest on bonds issued by the consolidated city to pay for local public improvements that are physically located in or physically connected to that allocation area.

(E) Pay premiums on the redemption before maturity of bonds payable solely or in part from allocated tax proceeds in that allocation area.

(F) Make payments on leases payable from allocated tax proceeds in that allocation area under section 17.1 of this chapter.

(G) Reimburse the consolidated city for expenditures for local public improvements (which include buildings, parking facilities, and other items set forth in section 17 of this chapter) that are physically located in or physically connected to that

allocation area.

(H) Reimburse the unit for rentals paid by it for a building or parking facility that is physically located in or physically connected to that allocation area under any lease entered into under IC 36-1-10.

(I) Reimburse public and private entities for expenses incurred in training employees of industrial facilities that are located:

(i) in the allocation area; and

(ii) on a parcel of real property that has been classified as industrial property under the rules of the department of local government finance.

However, the total amount of money spent for this purpose in any year may not exceed the total amount of money in the allocation fund that is attributable to property taxes paid by the industrial facilities described in this clause. The reimbursements under this clause must be made within three (3) years after the date on which the investments that are the basis for the increment financing are made.

(J) Pay the costs of carrying out an eligible efficiency project (as defined in IC 36-9-41-1.5) within the unit that established the redevelopment commission. However, property tax proceeds may be used under this clause to pay the costs of carrying out an eligible efficiency project only if those property tax proceeds exceed the amount necessary to do the following:

(i) Make, when due, any payments required under clauses (A) through (I), including any payments of principal and interest on bonds and other obligations payable under this subdivision, any payments of premiums under this subdivision on the redemption before maturity of bonds, and any payments on leases payable under this subdivision.

(ii) Make any reimbursements required under this subdivision.

(iii) Pay any expenses required under this subdivision.

(iv) Establish, augment, or restore any debt service reserve under this subdivision.

(K) Expend money and provide financial assistance as authorized in section 7(a)(21) of this chapter.

The special fund may not be used for operating expenses of the commission.

(4) Before June 15 of each year, the commission shall do the following:

(A) Determine the amount, if any, by which the assessed value of the taxable property in the allocation area for the most recent assessment date minus the base assessed value, when multiplied by the estimated tax rate of the allocation area will exceed the amount of assessed value needed to provide the property taxes necessary to make, when due, principal and interest payments on bonds described in subdivision (3) plus the amount necessary for other purposes described in subdivision (3) and subsection (g).

(B) Provide a written notice to the county auditor, the legislative body of the consolidated city, the officers who are authorized to fix budgets, tax rates, and tax levies under IC 6-1.1-17-5 for each of the other taxing units that is wholly or partly located within the allocation area, and (in an electronic format) the department of local government finance. The notice must:

(i) state the amount, if any, of excess assessed value that the commission has determined may be allocated to the respective taxing units in the manner prescribed in subdivision (1); or

(ii) state that the commission has determined that there is no excess assessed value that may be allocated to the respective taxing units in the manner prescribed in subdivision (1).

The county auditor shall allocate to the respective taxing units the amount, if any, of excess assessed value determined by the commission. The commission may not authorize an allocation to the respective taxing units under this subdivision if to do so would endanger the interests of the holders of bonds described in subdivision (3).

(C) If:

(i) the amount of excess assessed value determined by the commission is expected to generate more than two hundred percent (200%) of the amount of allocated tax proceeds

necessary to make, when due, principal and interest payments on bonds described in subdivision (3); plus

(ii) the amount necessary for other purposes described in subdivision (3) and subsection (g);

the commission shall submit to the legislative body of the unit the commission's determination of the excess assessed value that the commission proposes to allocate to the respective taxing units in the manner prescribed in subdivision (1). The legislative body of the unit may approve the commission's determination or modify the amount of the excess assessed value that will be allocated to the respective taxing units in the manner prescribed in subdivision (1).

(c) For the purpose of allocating taxes levied by or for any taxing unit or units, the assessed value of taxable property in a territory in the allocation area that is annexed by any taxing unit after the effective date of the allocation provision of the resolution is the lesser of:

(1) the assessed value of the property for the assessment date with respect to which the allocation and distribution is made; or

(2) the base assessed value.

(d) Property tax proceeds allocable to the redevelopment district under subsection (b)(3) may, subject to subsection (b)(4), be irrevocably pledged by the redevelopment district for payment as set forth in subsection (b)(3).

(e) Notwithstanding any other law, each assessor shall, upon petition of the commission, reassess the taxable property situated upon or in, or added to, the allocation area, effective on the next assessment date after the petition.

(f) Notwithstanding any other law, the assessed value of all taxable property in the allocation area, for purposes of tax limitation, property tax replacement, and formulation of the budget, tax rate, and tax levy for each political subdivision in which the property is located is the lesser of:

(1) the assessed value of the property as valued without regard to this section; or

(2) the base assessed value.

(g) If any part of the allocation area is located in an enterprise zone created under IC 5-28-15, the unit that designated the allocation area

shall create funds as specified in this subsection. A unit that has obligations, bonds, or leases payable from allocated tax proceeds under subsection (b)(3) shall establish an allocation fund for the purposes specified in subsection (b)(3) and a special zone fund. Such a unit shall, until the end of the enterprise zone phase out period, deposit each year in the special zone fund the amount in the allocation fund derived from property tax proceeds in excess of those described in subsection (b)(1) and (b)(2) from property located in the enterprise zone that exceeds the amount sufficient for the purposes specified in subsection (b)(3) for the year. A unit that has no obligations, bonds, or leases payable from allocated tax proceeds under subsection (b)(3) shall establish a special zone fund and deposit all the property tax proceeds in excess of those described in subsection (b)(1) and (b)(2) in the fund derived from property tax proceeds in excess of those described in subsection (b)(1) and (b)(2) from property located in the enterprise zone. The unit that creates the special zone fund shall use the fund, based on the recommendations of the urban enterprise association, for one (1) or more of the following purposes:

(1) To pay for programs in job training, job enrichment, and basic skill development designed to benefit residents and employers in the enterprise zone. The programs must reserve at least one-half (1/2) of the enrollment in any session for residents of the enterprise zone.

(2) To make loans and grants for the purpose of stimulating business activity in the enterprise zone or providing employment for enterprise zone residents in the enterprise zone. These loans and grants may be made to the following:

(A) Businesses operating in the enterprise zone.

(B) Businesses that will move their operations to the enterprise zone if such a loan or grant is made.

(3) To provide funds to carry out other purposes specified in subsection (b)(3). However, where reference is made in subsection (b)(3) to the allocation area, the reference refers for purposes of payments from the special zone fund only to that part of the allocation area that is also located in the enterprise zone.

(h) The state board of accounts and department of local government finance shall make the rules and prescribe the forms and procedures that

they consider expedient for the implementation of this chapter. After each reassessment under a reassessment plan prepared under IC 6-1.1-4-4.2, the department of local government finance shall adjust the base assessed value one (1) time to neutralize any effect of the reassessment of the real property in the area on the property tax proceeds allocated to the redevelopment district under this section. After each annual adjustment under IC 6-1.1-4-4.5, the department of local government finance shall adjust the base assessed value to neutralize any effect of the annual adjustment on the property tax proceeds allocated to the redevelopment district under this section. However, the adjustments under this subsection may not include the effect of property tax abatements under IC 6-1.1-12.1, and these adjustments may not produce less property tax proceeds allocable to the redevelopment district under subsection (b)(3) than would otherwise have been received if the reassessment under the reassessment plan or annual adjustment had not occurred. The department of local government finance may prescribe procedures for county and township officials to follow to assist the department in making the adjustments.

(i) The allocation deadline referred to in subsection (b) is determined in the following manner:

(1) The initial allocation deadline is December 31, 2011.

(2) Subject to subdivision (3), the initial allocation deadline and subsequent allocation deadlines are automatically extended in increments of five (5) years, so that allocation deadlines subsequent to the initial allocation deadline fall on December 31, 2016, and December 31 of each fifth year thereafter.

(3) At least one (1) year before the date of an allocation deadline determined under subdivision (2), the general assembly may enact a law that:

(A) terminates the automatic extension of allocation deadlines under subdivision (2); and

(B) specifically designates a particular date as the final allocation deadline.

(j) If the commission adopts a declaratory resolution or an amendment to a declaratory resolution that contains an allocation provision and the commission makes either of the filings required under section 10(e) of this chapter after the first anniversary of the effective

date of the allocation provision, the auditor of the county in which the unit is located shall compute the base assessed value for the allocation area using the assessment date immediately preceding the later of:

(1) the date on which the documents are filed with the county auditor; or

(2) the date on which the documents are filed with the department of local government finance.

SECTION 141. IC 36-7-15.1-53, AS AMENDED BY P.L.214-2019, SECTION 42, AND AS AMENDED BY P.L.257-2019, SECTION 129, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 53. (a) As used in this section:

"Allocation area" means that part of a redevelopment project area to which an allocation provision of a resolution adopted under section 40 of this chapter refers for purposes of distribution and allocation of property taxes.

"Base assessed value" means, subject to subsection (j):

(1) the net assessed value of all the property as finally determined for the assessment date immediately preceding the effective date of the allocation provision of the declaratory resolution, as adjusted under subsection (h); plus

(2) to the extent that it is not included in subdivision (1), the net assessed value of property that is assessed as residential property under the rules of the department of local government finance, as finally determined for ~~*any*~~ *the current* assessment date. ~~*after the effective date of the allocation provision.*~~

Except as provided in section 55 of this chapter, "property taxes" means taxes imposed under IC 6-1.1 on real property.

(b) A resolution adopted under section 40 of this chapter on or before the allocation deadline determined under subsection (i) may include a provision with respect to the allocation and distribution of property taxes for the purposes and in the manner provided in this section. A resolution previously adopted may include an allocation provision by the amendment of that resolution on or before the allocation deadline determined under subsection (i) in accordance with the procedures required for its original adoption. A declaratory resolution or an amendment that establishes an allocation provision

must be approved by resolution of the legislative body of the excluded city and must specify an expiration date for the allocation provision. For an allocation area established before July 1, 2008, the expiration date may not be more than thirty (30) years after the date on which the allocation provision is established. For an allocation area established after June 30, 2008, the expiration date may not be more than twenty-five (25) years after the date on which the first obligation was incurred to pay principal and interest on bonds or lease rentals on leases payable from tax increment revenues. However, with respect to bonds or other obligations that were issued before July 1, 2008, if any of the bonds or other obligations that were scheduled when issued to mature before the specified expiration date and that are payable only from allocated tax proceeds with respect to the allocation area remain outstanding as of the expiration date, the allocation provision does not expire until all of the bonds or other obligations are no longer outstanding. The allocation provision may apply to all or part of the redevelopment project area. The allocation provision must require that any property taxes subsequently levied by or for the benefit of any public body entitled to a distribution of property taxes on taxable property in the allocation area be allocated and distributed as follows:

(1) Except as otherwise provided in this section, the proceeds of the taxes attributable to the lesser of:

(A) the assessed value of the property for the assessment date with respect to which the allocation and distribution is made; or

(B) the base assessed value;

shall be allocated to and, when collected, paid into the funds of the respective taxing units.

(2) The excess of the proceeds of the property taxes imposed for the assessment date with respect to which the allocation and distribution is made that are attributable to taxes imposed after being approved by the voters in a referendum or local public question conducted after April 30, 2010, not otherwise included in subdivision (1) shall be allocated to and, when collected, paid into the funds of the taxing unit for which the referendum or local public question was conducted.

(3) Except as otherwise provided in this section, property tax

proceeds in excess of those described in subdivisions (1) and (2) shall be allocated to the redevelopment district and, when collected, paid into a special fund for that allocation area that may be used by the redevelopment district only to do one (1) or more of the following:

(A) Pay the principal of and interest on any obligations payable solely from allocated tax proceeds that are incurred by the redevelopment district for the purpose of financing or refinancing the redevelopment of that allocation area.

(B) Establish, augment, or restore the debt service reserve for bonds payable solely or in part from allocated tax proceeds in that allocation area.

(C) Pay the principal of and interest on bonds payable from allocated tax proceeds in that allocation area and from the special tax levied under section 50 of this chapter.

(D) Pay the principal of and interest on bonds issued by the excluded city to pay for local public improvements that are physically located in or physically connected to that allocation area.

(E) Pay premiums on the redemption before maturity of bonds payable solely or in part from allocated tax proceeds in that allocation area.

(F) Make payments on leases payable from allocated tax proceeds in that allocation area under section 46 of this chapter.

(G) Reimburse the excluded city for expenditures for local public improvements (which include buildings, park facilities, and other items set forth in section 45 of this chapter) that are physically located in or physically connected to that allocation area.

(H) Reimburse the unit for rentals paid by it for a building or parking facility that is physically located in or physically connected to that allocation area under any lease entered into under IC 36-1-10.

(I) Reimburse public and private entities for expenses incurred in training employees of industrial facilities that are located:

(i) in the allocation area; and

(ii) on a parcel of real property that has been classified as industrial property under the rules of the department of local government finance.

However, the total amount of money spent for this purpose in any year may not exceed the total amount of money in the allocation fund that is attributable to property taxes paid by the industrial facilities described in this clause. The reimbursements under this clause must be made within three (3) years after the date on which the investments that are the basis for the increment financing are made.

The special fund may not be used for operating expenses of the commission.

(4) Before June 15 of each year, the commission shall do the following:

(A) Determine the amount, if any, by which the assessed value of the taxable property in the allocation area for the most recent assessment date minus the base assessed value, when multiplied by the estimated tax rate of the allocation area, will exceed the amount of assessed value needed to provide the property taxes necessary to make, when due, principal and interest payments on bonds described in subdivision (3) plus the amount necessary for other purposes described in subdivision (3) and subsection (g).

(B) Provide a written notice to the county auditor, the fiscal body of the county or municipality that established the department of redevelopment, the officers who are authorized to fix budgets, tax rates, and tax levies under IC 6-1.1-17-5 for each of the other taxing units that is wholly or partly located within the allocation area, and (in an electronic format) the department of local government finance. The notice must:

(i) state the amount, if any, of excess assessed value that the commission has determined may be allocated to the respective taxing units in the manner prescribed in subdivision (1); or

(ii) state that the commission has determined that there is no excess assessed value that may be allocated to the respective taxing units in the manner prescribed in subdivision (1).

The county auditor shall allocate to the respective taxing units the amount, if any, of excess assessed value determined by the commission. The commission may not authorize an allocation to the respective taxing units under this subdivision if to do so would endanger the interests of the holders of bonds described in subdivision (3).

(c) For the purpose of allocating taxes levied by or for any taxing unit or units, the assessed value of taxable property in a territory in the allocation area that is annexed by any taxing unit after the effective date of the allocation provision of the resolution is the lesser of:

(1) the assessed value of the property for the assessment date with respect to which the allocation and distribution is made; or

(2) the base assessed value.

(d) Property tax proceeds allocable to the redevelopment district under subsection (b)(3) may, subject to subsection (b)(4), be irrevocably pledged by the redevelopment district for payment as set forth in subsection (b)(3).

(e) Notwithstanding any other law, each assessor shall, upon petition of the commission, reassess the taxable property situated upon or in, or added to, the allocation area, effective on the next assessment date after the petition.

(f) Notwithstanding any other law, the assessed value of all taxable property in the allocation area, for purposes of tax limitation, property tax replacement, and formulation of the budget, tax rate, and tax levy for each political subdivision in which the property is located, is the lesser of:

(1) the assessed value of the property as valued without regard to this section; or

(2) the base assessed value.

(g) If any part of the allocation area is located in an enterprise zone created under IC 5-28-15, the unit that designated the allocation area shall create funds as specified in this subsection. A unit that has obligations, bonds, or leases payable from allocated tax proceeds under subsection (b)(3) shall establish an allocation fund for the purposes specified in subsection (b)(3) and a special zone fund. Such a unit shall, until the end of the enterprise zone phase out period, deposit each year in the special zone fund the amount in the allocation fund derived from

property tax proceeds in excess of those described in subsection (b)(1) and (b)(2) from property located in the enterprise zone that exceeds the amount sufficient for the purposes specified in subsection (b)(3) for the year. A unit that has no obligations, bonds, or leases payable from allocated tax proceeds under subsection (b)(3) shall establish a special zone fund and deposit all the property tax proceeds in excess of those described in subsection (b)(1) and (b)(2) in the fund derived from property tax proceeds in excess of those described in subsection (b)(1) and (b)(2) from property located in the enterprise zone. The unit that creates the special zone fund shall use the fund, based on the recommendations of the urban enterprise association, for one (1) or more of the following purposes:

(1) To pay for programs in job training, job enrichment, and basic skill development designed to benefit residents and employers in the enterprise zone. The programs must reserve at least one-half (1/2) of the enrollment in any session for residents of the enterprise zone.

(2) To make loans and grants for the purpose of stimulating business activity in the enterprise zone or providing employment for enterprise zone residents in an enterprise zone. These loans and grants may be made to the following:

(A) Businesses operating in the enterprise zone.

(B) Businesses that will move their operations to the enterprise zone if such a loan or grant is made.

(3) To provide funds to carry out other purposes specified in subsection (b)(3). However, where reference is made in subsection (b)(3) to the allocation area, the reference refers, for purposes of payments from the special zone fund, only to that part of the allocation area that is also located in the enterprise zone.

(h) The state board of accounts and department of local government finance shall make the rules and prescribe the forms and procedures that they consider expedient for the implementation of this chapter. After each reassessment of real property in an area under a county's reassessment plan prepared under IC 6-1.1-4-4.2, the department of local government finance shall adjust the base assessed value one (1) time to neutralize any effect of the reassessment of the real property in the area on the property tax proceeds allocated to the redevelopment

district under this section. After each annual adjustment under IC 6-1.1-4-4.5, the department of local government finance shall adjust the base assessed value to neutralize any effect of the annual adjustment on the property tax proceeds allocated to the redevelopment district under this section. However, the adjustments under this subsection may not include the effect of property tax abatements under IC 6-1.1-12.1, and these adjustments may not produce less property tax proceeds allocable to the redevelopment district under subsection (b)(3) than would otherwise have been received if the reassessment under the county's reassessment plan or annual adjustment had not occurred. The department of local government finance may prescribe procedures for county and township officials to follow to assist the department in making the adjustments.

(i) The allocation deadline referred to in subsection (b) is determined in the following manner:

(1) The initial allocation deadline is December 31, 2011.

(2) Subject to subdivision (3), the initial allocation deadline and subsequent allocation deadlines are automatically extended in increments of five (5) years, so that allocation deadlines subsequent to the initial allocation deadline fall on December 31, 2016, and December 31 of each fifth year thereafter.

(3) At least one (1) year before the date of an allocation deadline determined under subdivision (2), the general assembly may enact a law that:

(A) terminates the automatic extension of allocation deadlines under subdivision (2); and

(B) specifically designates a particular date as the final allocation deadline.

(j) If the commission adopts a declaratory resolution or an amendment to a declaratory resolution that contains an allocation provision and the commission makes either of the filings required under section 10(e) of this chapter after the first anniversary of the effective date of the allocation provision, the auditor of the county in which the unit is located shall compute the base assessed value for the allocation area using the assessment date immediately preceding the later of:

(1) the date on which the documents are filed with the county auditor; or

(2) the date on which the documents are filed with the department of local government finance.

SECTION 142. IC 36-7-30-25, AS AMENDED BY P.L.214-2019, SECTION 47, AND AS AMENDED BY P.L.257-2019, SECTION 137, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 25. (a) The following definitions apply throughout this section:

(1) "Allocation area" means that part of a military base reuse area to which an allocation provision of a declaratory resolution adopted under section 10 of this chapter refers for purposes of distribution and allocation of property taxes.

(2) "Base assessed value" means, subject to subsection (i):

(A) the net assessed value of all the property as finally determined for the assessment date immediately preceding the adoption date of the allocation provision of the declaratory resolution, as adjusted under subsection (h); plus

(B) to the extent that it is not included in clause (A) or (C), the net assessed value of any and all parcels or classes of parcels identified as part of the base assessed value in the declaratory resolution or an amendment thereto, as finally determined for any subsequent assessment date; plus

(C) to the extent that it is not included in clause (A) or (B), the net assessed value of property that is assessed as residential property under the rules of the department of local government finance, *within the allocation area,* as finally determined for ~~*any*~~ *the current* assessment date. ~~*after the effective date of the allocation provision.*~~

Clause (C) applies only to allocation areas established in a military reuse area after June 30, 1997, and to the part of an allocation area that was established before June 30, 1997, and that is added to an existing allocation area after June 30, 1997.

(3) "Property taxes" means taxes imposed under IC 6-1.1 on real property.

(b) A declaratory resolution adopted under section 10 of this chapter before the date set forth in IC 36-7-14-39(b) pertaining to declaratory resolutions adopted under IC 36-7-14-15 may include a provision with respect to the allocation and distribution of property taxes for the

purposes and in the manner provided in this section. A declaratory resolution previously adopted may include an allocation provision by the amendment of that declaratory resolution in accordance with the procedures set forth in section 13 of this chapter. The allocation provision may apply to all or part of the military base reuse area. The allocation provision must require that any property taxes subsequently levied by or for the benefit of any public body entitled to a distribution of property taxes on taxable property in the allocation area be allocated and distributed as follows:

(1) Except as otherwise provided in this section, the proceeds of the taxes attributable to the lesser of:

(A) the assessed value of the property for the assessment date with respect to which the allocation and distribution is made; or

(B) the base assessed value;

shall be allocated to and, when collected, paid into the funds of the respective taxing units.

(2) The excess of the proceeds of the property taxes imposed for the assessment date with respect to which the allocation and distribution are made that are attributable to taxes imposed after being approved by the voters in a referendum or local public question conducted after April 30, 2010, not otherwise included in subdivision (1) shall be allocated to and, when collected, paid into the funds of the taxing unit for which the referendum or local public question was conducted.

(3) Except as otherwise provided in this section, property tax proceeds in excess of those described in subdivisions (1) and (2) shall be allocated to the military base reuse district and, when collected, paid into an allocation fund for that allocation area that may be used by the military base reuse district and only to do one (1) or more of the following:

(A) Pay the principal of and interest and redemption premium on any obligations incurred by the military base reuse district or any other entity for the purpose of financing or refinancing military base reuse activities in or directly serving or benefiting that allocation area.

(B) Establish, augment, or restore the debt service reserve for

bonds payable solely or in part from allocated tax proceeds in that allocation area or from other revenues of the reuse authority, including lease rental revenues.

(C) Make payments on leases payable solely or in part from allocated tax proceeds in that allocation area.

(D) Reimburse any other governmental body for expenditures made for local public improvements (or structures) in or directly serving or benefiting that allocation area.

(E) Pay expenses incurred by the reuse authority, any other department of the unit, or a department of another governmental entity for local public improvements or structures that are in the allocation area or directly serving or benefiting the allocation area, including expenses for the operation and maintenance of these local public improvements or structures if the reuse authority determines those operation and maintenance expenses are necessary or desirable to carry out the purposes of this chapter.

(F) Reimburse public and private entities for expenses incurred in training employees of industrial facilities that are located:

(i) in the allocation area; and

(ii) on a parcel of real property that has been classified as industrial property under the rules of the department of local government finance.

However, the total amount of money spent for this purpose in any year may not exceed the total amount of money in the allocation fund that is attributable to property taxes paid by the industrial facilities described in this clause. The reimbursements under this clause must be made not more than three (3) years after the date on which the investments that are the basis for the increment financing are made.

(G) Expend money and provide financial assistance as authorized in section 9(a)(25) of this chapter.

Except as provided in clause (E), the allocation fund may not be used for operating expenses of the reuse authority.

(4) Except as provided in subsection (g), before July 15 of each year the reuse authority shall do the following:

(A) Determine the amount, if any, by which property taxes

payable to the allocation fund in the following year will exceed the amount of property taxes necessary to make, when due, principal and interest payments on bonds described in subdivision (3) plus the amount necessary for other purposes described in subdivision (3).

(B) Provide a written notice to the county auditor, the fiscal body of the unit that established the reuse authority, and the officers who are authorized to fix budgets, tax rates, and tax levies under IC 6-1.1-17-5 for each of the other taxing units that is wholly or partly located within the allocation area. The notice must:

(i) state the amount, if any, of excess property taxes that the reuse authority has determined may be paid to the respective taxing units in the manner prescribed in subdivision (1); or

(ii) state that the reuse authority has determined that there are no excess property tax proceeds that may be allocated to the respective taxing units in the manner prescribed in subdivision (1).

The county auditor shall allocate to the respective taxing units the amount, if any, of excess property tax proceeds determined by the reuse authority. The reuse authority may not authorize a payment to the respective taxing units under this subdivision if to do so would endanger the interest of the holders of bonds described in subdivision (3) or lessors under section 19 of this chapter.

(c) For the purpose of allocating taxes levied by or for any taxing unit or units, the assessed value of taxable property in a territory in the allocation area that is annexed by a taxing unit after the effective date of the allocation provision of the declaratory resolution is the lesser of:

(1) the assessed value of the property for the assessment date with respect to which the allocation and distribution is made; or

(2) the base assessed value.

(d) Property tax proceeds allocable to the military base reuse district under subsection (b)(3) may, subject to subsection (b)(4), be irrevocably pledged by the military base reuse district for payment as set forth in subsection (b)(3).

(e) Notwithstanding any other law, each assessor shall, upon petition

of the reuse authority, reassess the taxable property situated upon or in or added to the allocation area, effective on the next assessment date after the petition.

(f) Notwithstanding any other law, the assessed value of all taxable property in the allocation area, for purposes of tax limitation, property tax replacement, and the making of the budget, tax rate, and tax levy for each political subdivision in which the property is located is the lesser of:

(1) the assessed value of the property as valued without regard to this section; or

(2) the base assessed value.

(g) If any part of the allocation area is located in an enterprise zone created under IC 5-28-15, the unit that designated the allocation area shall create funds as specified in this subsection. A unit that has obligations, bonds, or leases payable from allocated tax proceeds under subsection (b)(3) shall establish an allocation fund for the purposes specified in subsection (b)(3) and a special zone fund. Such a unit shall, until the end of the enterprise zone phase out period, deposit each year in the special zone fund any amount in the allocation fund derived from property tax proceeds in excess of those described in subsection (b)(1) and (b)(2) from property located in the enterprise zone that exceeds the amount sufficient for the purposes specified in subsection (b)(3) for the year. The amount sufficient for purposes specified in subsection (b)(3) for the year shall be determined based on the pro rata part of such current property tax proceeds from the part of the enterprise zone that is within the allocation area as compared to all such current property tax proceeds derived from the allocation area. A unit that does not have obligations, bonds, or leases payable from allocated tax proceeds under subsection (b)(3) shall establish a special zone fund and deposit all the property tax proceeds in excess of those described in subsection (b)(1) and (b)(2) that are derived from property in the enterprise zone in the fund. The unit that creates the special zone fund shall use the fund (based on the recommendations of the urban enterprise association) for programs in job training, job enrichment, and basic skill development that are designed to benefit residents and employers in the enterprise zone or other purposes specified in subsection (b)(3), except that where reference is made in subsection (b)(3) to allocation area it shall refer for

purposes of payments from the special zone fund only to that part of the allocation area that is also located in the enterprise zone. The programs shall reserve at least one-half (1/2) of their enrollment in any session for residents of the enterprise zone.

(h) After each reassessment of real property in an area under the county's reassessment plan under IC 6-1.1-4-4.2, the department of local government finance shall adjust the base assessed value one (1) time to neutralize any effect of the reassessment of the real property in the area on the property tax proceeds allocated to the military base reuse district under this section. After each annual adjustment under IC 6-1.1-4-4.5, the department of local government finance shall adjust the base assessed value to neutralize any effect of the annual adjustment on the property tax proceeds allocated to the military base reuse district under this section. However, the adjustments under this subsection may not include the effect of property tax abatements under IC 6-1.1-12.1, and these adjustments may not produce less property tax proceeds allocable to the military base reuse district under subsection (b)(3) than would otherwise have been received if the reassessment under the county's reassessment plan or annual adjustment had not occurred. The department of local government finance may prescribe procedures for county and township officials to follow to assist the department in making the adjustments.

(i) If the reuse authority adopts a declaratory resolution or an amendment to a declaratory resolution that contains an allocation provision and the reuse authority makes either of the filings required under section 12(c) or 13(f) of this chapter after the first anniversary of the effective date of the allocation provision, the auditor of the county in which the military base reuse district is located shall compute the base assessed value for the allocation area using the assessment date immediately preceding the later of:

(1) the date on which the documents are filed with the county auditor; or

(2) the date on which the documents are filed with the department of local government finance.

SECTION 143. IC 36-7-30.5-30, AS AMENDED BY P.L.214-2019, SECTION 51, AND AS AMENDED BY P.L.257-2019, SECTION 141, IS CORRECTED AND AMENDED TO READ AS

FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 30. (a) The following definitions apply throughout this section:

(1) "Allocation area" means that part of a military base development area to which an allocation provision of a declaratory resolution adopted under section 16 of this chapter refers for purposes of distribution and allocation of property taxes.

(2) "Base assessed value" means, subject to subsection (i):

(A) the net assessed value of all the property as finally determined for the assessment date immediately preceding the adoption date of the allocation provision of the declaratory resolution, as adjusted under subsection (h); plus

(B) to the extent that it is not included in clause (A) or (C), the net assessed value of any and all parcels or classes of parcels identified as part of the base assessed value in the declaratory resolution or an amendment to the declaratory resolution, as finally determined for any subsequent assessment date; plus

(C) to the extent that it is not included in clause (A) or (B), the net assessed value of property that is assessed as residential property under the rules of the department of local government finance, *within the allocation area,* as finally determined for ~~*any*~~ *the current* assessment date. ~~*after the effective date of the allocation provision.*~~

(3) "Property taxes" means taxes imposed under IC 6-1.1 on real property.

(b) A declaratory resolution adopted under section 16 of this chapter before the date set forth in IC 36-7-14-39(b) pertaining to declaratory resolutions adopted under IC 36-7-14-15 may include a provision with respect to the allocation and distribution of property taxes for the purposes and in the manner provided in this section. A declaratory resolution previously adopted may include an allocation provision by the amendment of that declaratory resolution in accordance with the procedures set forth in section 18 of this chapter. The allocation provision may apply to all or part of the military base development area. The allocation provision must require that any property taxes subsequently levied by or for the benefit of any public body entitled to a distribution of property taxes on taxable property in the allocation area be allocated and distributed as follows:

(1) Except as otherwise provided in this section, the proceeds of the taxes attributable to the lesser of:

(A) the assessed value of the property for the assessment date with respect to which the allocation and distribution is made; or

(B) the base assessed value;

shall be allocated to and, when collected, paid into the funds of the respective taxing units.

(2) The excess of the proceeds of the property taxes imposed for the assessment date with respect to which the allocation and distribution is made that are attributable to taxes imposed after being approved by the voters in a referendum or local public question conducted after April 30, 2010, not otherwise included in subdivision (1) shall be allocated to and, when collected, paid into the funds of the taxing unit for which the referendum or local public question was conducted.

(3) Except as otherwise provided in this section, property tax proceeds in excess of those described in subdivisions (1) and (2) shall be allocated to the development authority and, when collected, paid into an allocation fund for that allocation area that may be used by the development authority and only to do one (1) or more of the following:

(A) Pay the principal of and interest and redemption premium on any obligations incurred by the development authority or any other entity for the purpose of financing or refinancing military base development or reuse activities in or directly serving or benefiting that allocation area.

(B) Establish, augment, or restore the debt service reserve for bonds payable solely or in part from allocated tax proceeds in that allocation area or from other revenues of the development authority, including lease rental revenues.

(C) Make payments on leases payable solely or in part from allocated tax proceeds in that allocation area.

(D) Reimburse any other governmental body for expenditures made for local public improvements (or structures) in or directly serving or benefiting that allocation area.

(E) For property taxes first due and payable before 2009, pay

all or a part of a property tax replacement credit to taxpayers in an allocation area as determined by the development authority. This credit equals the amount determined under the following STEPS for each taxpayer in a taxing district (as defined in IC 6-1.1-1-20) that contains all or part of the allocation area:

STEP ONE: Determine that part of the sum of the amounts under IC 6-1.1-21-2(g)(1)(A), IC 6-1.1-21-2(g)(2), IC 6-1.1-21-2(g)(3), IC 6-1.1-21-2(g)(4), and IC 6-1.1-21-2(g)(5) (before their repeal) that is attributable to the taxing district.

STEP TWO: Divide:

(i) that part of each county's eligible property tax replacement amount (as defined in IC 6-1.1-21-2 (before its repeal)) for that year as determined under IC 6-1.1-21-4 (before its repeal) that is attributable to the taxing district; by

(ii) the STEP ONE sum.

STEP THREE: Multiply:

(i) the STEP TWO quotient; by

(ii) the total amount of the taxpayer's taxes (as defined in IC 6-1.1-21-2 (before its repeal)) levied in the taxing district that have been allocated during that year to an allocation fund under this section.

If not all the taxpayers in an allocation area receive the credit in full, each taxpayer in the allocation area is entitled to receive the same proportion of the credit. A taxpayer may not receive a credit under this section and a credit under section 32 of this chapter (before its repeal) in the same year.

(F) Pay expenses incurred by the development authority for local public improvements or structures that were in the allocation area or directly serving or benefiting the allocation area.

(G) Reimburse public and private entities for expenses incurred in training employees of industrial facilities that are located:

(i) in the allocation area; and

(ii) on a parcel of real property that has been classified as industrial property under the rules of the department of local

government finance.

However, the total amount of money spent for this purpose in any year may not exceed the total amount of money in the allocation fund that is attributable to property taxes paid by the industrial facilities described in this clause. The reimbursements under this clause must be made not more than three (3) years after the date on which the investments that are the basis for the increment financing are made.

(H) Expend money and provide financial assistance as authorized in section 15(26) of this chapter.

The allocation fund may not be used for operating expenses of the development authority.

(4) Except as provided in subsection (g), before July 15 of each year the development authority shall do the following:

(A) Determine the amount, if any, by which property taxes payable to the allocation fund in the following year will exceed the amount of property taxes necessary to make, when due, principal and interest payments on bonds described in subdivision (3) plus the amount necessary for other purposes described in subdivisions (2) and (3).

(B) Provide a written notice to the appropriate county auditors and the fiscal bodies and other officers who are authorized to fix budgets, tax rates, and tax levies under IC 6-1.1-17-5 for each of the other taxing units that is wholly or partly located within the allocation area. The notice must:

(i) state the amount, if any, of the excess property taxes that the development authority has determined may be paid to the respective taxing units in the manner prescribed in subdivision (1); or

(ii) state that the development authority has determined that there is no excess assessed value that may be allocated to the respective taxing units in the manner prescribed in subdivision (1).

The county auditors shall allocate to the respective taxing units the amount, if any, of excess assessed value determined by the development authority. The development authority may not authorize a payment to the respective taxing units under this

subdivision if to do so would endanger the interest of the holders of bonds described in subdivision (3) or lessors under section 24 of this chapter. Property taxes received by a taxing unit under this subdivision before 2009 are eligible for the property tax replacement credit provided under IC 6-1.1-21 (before its repeal).

(c) For the purpose of allocating taxes levied by or for any taxing unit or units, the assessed value of taxable property in a territory in the allocation area that is annexed by a taxing unit after the effective date of the allocation provision of the declaratory resolution is the lesser of:

(1) the assessed value of the property for the assessment date with respect to which the allocation and distribution is made; or

(2) the base assessed value.

(d) Property tax proceeds allocable to the military base development district under subsection (b)(3) may, subject to subsection (b)(4), be irrevocably pledged by the military base development district for payment as set forth in subsection (b)(3).

(e) Notwithstanding any other law, each assessor shall, upon petition of the development authority, reassess the taxable property situated upon or in or added to the allocation area, effective on the next assessment date after the petition.

(f) Notwithstanding any other law, the assessed value of all taxable property in the allocation area, for purposes of tax limitation, property tax replacement, and the making of the budget, tax rate, and tax levy for each political subdivision in which the property is located is the lesser of:

(1) the assessed value of the property as valued without regard to this section; or

(2) the base assessed value.

(g) If any part of the allocation area is located in an enterprise zone created under IC 5-28-15, the development authority shall create funds as specified in this subsection. A development authority that has obligations, bonds, or leases payable from allocated tax proceeds under subsection (b)(3) shall establish an allocation fund for the purposes specified in subsection (b)(3) and a special zone fund. The development authority shall, until the end of the enterprise zone phase out period, deposit each year in the special zone fund any amount in the allocation

fund derived from property tax proceeds in excess of those described in subsection (b)(1) and (b)(2) from property located in the enterprise zone that exceeds the amount sufficient for the purposes specified in subsection (b)(3) for the year. The amount sufficient for purposes specified in subsection (b)(3) for the year shall be determined based on the pro rata part of such current property tax proceeds from the part of the enterprise zone that is within the allocation area as compared to all such current property tax proceeds derived from the allocation area. A development authority that does not have obligations, bonds, or leases payable from allocated tax proceeds under subsection (b)(3) shall establish a special zone fund and deposit all the property tax proceeds in excess of those described in subsection (b)(1) and (b)(2) that are derived from property in the enterprise zone in the fund. The development authority that creates the special zone fund shall use the fund (based on the recommendations of the urban enterprise association) for programs in job training, job enrichment, and basic skill development that are designed to benefit residents and employers in the enterprise zone or for other purposes specified in subsection (b)(3), except that where reference is made in subsection (b)(3) to an allocation area it shall refer for purposes of payments from the special zone fund only to that part of the allocation area that is also located in the enterprise zone. The programs shall reserve at least one-half (1/2) of their enrollment in any session for residents of the enterprise zone.

(h) After each reassessment of real property in an area under a reassessment plan prepared under IC 6-1.1-4-4.2, the department of local government finance shall adjust the base assessed value one (1) time to neutralize any effect of the reassessment of the real property in the area on the property tax proceeds allocated to the military base development district under this section. After each annual adjustment under IC 6-1.1-4-4.5, the department of local government finance shall adjust the base assessed value to neutralize any effect of the annual adjustment on the property tax proceeds allocated to the military base development district under this section. However, the adjustments under this subsection may not include the effect of property tax abatements under IC 6-1.1-12.1, and these adjustments may not produce less property tax proceeds allocable to the military base development district under subsection (b)(3) than would otherwise have been received if the

reassessment under the county's reassessment plan or annual adjustment had not occurred. The department of local government finance may prescribe procedures for county and township officials to follow to assist the department in making the adjustments.

(i) If the development authority adopts a declaratory resolution or an amendment to a declaratory resolution that contains an allocation provision and the development authority makes either of the filings required under section 17(e) or 18(f) of this chapter after the first anniversary of the effective date of the allocation provision, the auditor of the county in which the military base development district is located shall compute the base assessed value for the allocation area using the assessment date immediately preceding the later of:

(1) the date on which the documents are filed with the county auditor; or

(2) the date on which the documents are filed with the department of local government finance.

SECTION 144. IC 36-7-32-4, AS AMENDED BY P.L.214-2019, SECTION 53, AND AS AMENDED BY P.L.257-2019, SECTION 143, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 4. (a) As used in this chapter, "base assessed value" means, subject to subsection (b):

(1) the net assessed value of all the taxable property located in a certified technology park as finally determined for the assessment date immediately preceding the effective date of the allocation provision of a resolution adopted under section 15 of this chapter; plus

(2) to the extent it is not included in subdivision (1), the net assessed value of property that is assessed as residential property under the rules of the department of local government finance, *within the certified technology park,* as finally determined for ~~*any*~~ *the current* assessment date. ~~*after the effective date of the allocation provision.*~~

(b) If a redevelopment commission adopts a resolution designating a certified technology park as an allocation area and the redevelopment commission makes either of the filings required under section 15(d) of this chapter after the first anniversary of the effective date of the allocation provision, the auditor of the county in which the unit is

located shall compute the base assessed value for the allocation area using the assessment date immediately preceding the later of:

(1) the date on which the documents are filed with the county auditor; or

(2) the date on which the documents are filed with the department of local government finance.

SECTION 145. IC 36-7.5-4-2, AS AMENDED BY P.L.10-2019, SECTION 137, AND AS AMENDED BY P.L.108-2019, SECTION 247, AND AS AMENDED BY P.L.293-2019, SECTION 48, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 2. (a) Except as provided in subsections (b) and (d), the fiscal officer of each city and county described in IC 36-7.5-2-3(b) shall each transfer three million five hundred thousand dollars ($3,500,000) each year to the development authority for deposit in the development authority revenue fund established under section 1 of this chapter. However, if a county having a population of more than one hundred fifty thousand (150,000) but less than one hundred seventy thousand (170,000) ceases to be a member of the development authority and two (2) or more municipalities in the county have become members of the development authority as authorized by IC 36-7.5-2-3(i), the transfer of the local income tax revenue that is dedicated to economic development purposes that is required to be transferred under IC 6-3.6-11-6 is the contribution of the municipalities in the county that have become members of the development authority.

(b) This subsection applies only if:

(1) the fiscal body of the county described in IC 36-7.5-2-3(e) has adopted an ordinance under IC 36-7.5-2-3(e) providing that the county is joining the development authority;

(2) the fiscal body of the city described in IC 36-7.5-2-3(e) has adopted an ordinance under IC 36-7.5-2-3(e) providing that the city is joining the development authority; and

(3) the county described in IC 36-7.5-2-3(e) is an eligible county participating in the development authority.

The fiscal officer of the county described in IC 36-7.5-2-3(e) shall transfer two million six hundred twenty-five thousand dollars ($2,625,000) each year to the development authority for deposit in the

development authority revenue fund established under section 1 of this chapter. The fiscal officer of the city described in IC 36-7.5-2-3(e) shall transfer eight hundred seventy-five thousand dollars ($875,000) each year to the development authority for deposit in the development authority revenue fund established under section 1 of this chapter.

(c) This subsection does not apply to Lake County, Hammond, Gary, or East Chicago. The following apply to the remaining transfers required by subsections (a) and (b):

(1) Except for transfers of money described in subdivision (4)(D), the transfers shall be made without appropriation by the city or county fiscal body or approval by any other entity.

(2) Except as provided in subdivision (3), each fiscal officer shall transfer eight hundred seventy-five thousand dollars ($875,000) to the development authority revenue fund before the last business day of January, April, July, and October of each year. Food and beverage tax revenue deposited in the fund under IC 6-9-36-8 is in addition to the transfers required by this section.

(3) The fiscal officer of the county described in IC 36-7.5-2-3(e) shall transfer six hundred fifty-six thousand two hundred fifty dollars ($656,250) to the development authority revenue fund before the last business day of January, April, July, and October of each year. The county is not required to make any payments or transfers to the development authority covering any time before January 1, 2017. The fiscal officer of a city described in IC 36-7.5-2-3(e) shall transfer two hundred eighteen thousand seven hundred fifty dollars ($218,750) to the development authority revenue fund before the last business day of January, April, July, and October of each year. The city is not required to make any payments or transfers to the development authority covering any time before January 1, 2017.

(4) The transfers shall be made from one (1) or more of the following:

(A) Riverboat admissions tax revenue received by the city or county, riverboat wagering tax revenue received by the city or county, or riverboat incentive payments received from a riverboat licensee by the city or county.

(B) Any local income tax revenue that is dedicated to economic

development purposes under IC 6-3.6-6 and received under IC 6-3.6-9 by the city or county.

(C) Any other local revenue other than property tax revenue received by the city or county.

(D) In the case of a county described in IC 36-7.5-2-3(e) or a city described in IC 36-7.5-2-3(e), any money from the major moves construction fund that is distributed to the county or city under IC 8-14-16.

(d) This subsection applies only to Lake County, Hammond, Gary, and East Chicago. The obligations of each city and the county under subsection (a) are satisfied by the distributions made by the auditor of state on behalf of each unit under IC 4-33-12-8 and ~~*IC 4-33-13-5(j).*~~ *IC 4-33-13-5(i)*. However, if the total amount distributed under IC 4-33 on behalf of a unit with respect to a particular state fiscal year is less than the amount required by subsection (a), the fiscal officer of the unit shall transfer the amount of the shortfall to the authority from any source of revenue available to the unit other than property taxes. The auditor of state shall certify the amount of any shortfall to the fiscal officer of the unit after making the distribution required by ~~*IC 4-33-13-5(j)*~~ *IC 4-33-13-5(i)* on behalf of the unit with respect to a particular state fiscal year.

(e) A transfer made on behalf of a county, city, or town under this section after December 31, 2018:

(1) is considered to be a payment for services provided to residents by a rail project as those services are rendered; and

(2) does not impair any pledge of revenues under this article because a pledge by the development authority of transferred revenue under this section to the payment of bonds, leases, or obligations under this article or IC 5-1.3:

(A) constitutes the obligations of the northwest Indiana regional development authority; and

(B) does not constitute an indebtedness of a county, city, or town described in this section or of the state within the meaning or application of any constitutional or statutory provision or limitation.

(f) Neither the transfer of revenue as provided in this section nor the pledge of revenue transferred under this section is an impairment of

contract within the meaning or application of any constitutional provision or limitation because of the following:

(1) The statutes governing local taxes, including the transferred revenue, have been the subject of legislation annually since 1973, and during that time the statutes have been revised, amended, expanded, limited, and recodified dozens of times.

(2) Owners of bonds, leases, or other obligations to which local tax revenues have been pledged recognize that the regulation of local taxes has been extensive and consistent.

(3) All bonds, leases, or other obligations, due to their essential contractual nature, are subject to relevant state and federal law that is enacted after the date of a contract.

(4) The state of Indiana has a legitimate interest in assisting the development authority in financing rail projects.

(g) All proceedings had and actions described in this section are valid pledges under IC 5-1-14-4 as of the date of those proceedings or actions and are hereby legalized and declared valid if taken before March 15, 2018.

SECTION 146. IC 36-8-7-22, AS AMENDED BY P.L.203-2019, SECTION 8, AND AS AMENDED BY P.L.257-2019, SECTION 150, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 22. *(a)* The 1937 fund may not be, either before or after an order for distribution to members of the fire department or to the surviving spouses or guardians of a child or children of a deceased, disabled, or retired member, held, seized, taken, subjected to, detained, or levied on by virtue of an attachment, execution, judgment, writ, interlocutory or other order, decree, or process, or proceedings of any nature issued out of or by a court in any state for the payment or satisfaction, in whole or in part, of a debt, damages, demand, claim, judgment, fine, or amercement of the member or the member's surviving spouse or children. The 1937 fund shall be kept and distributed only for the purpose of pensioning the persons named in this chapter. The local board may, however, annually expend an amount from the 1937 fund that it considers proper for the necessary expenses connected with the fund. Notwithstanding any other law, neither the fiscal body ~~*the county board of tax adjustment,*~~ nor the department of local government finance may reduce these expenditures.

(b) However, the member's contributions or benefits, or both, may be transferred to reimburse the member's employer for loss resulting from the member's criminal taking of the employer's property by the local board if the local board receives adequate proof of the loss. The loss resulting from the member's criminal taking of the employer's property must be proven by an order for restitution in favor of the employer issued by the sentencing court following a felony or misdemeanor conviction.

(c) The local board may withhold payment of the member's contributions and interest if the employer of the member notifies the local board that felony or misdemeanor charges accusing the member of the criminal taking of the employer's property have been filed.

(d) The local board may withhold payment of a person's contributions and interest under subsection (c) until the final resolution of the criminal charges.

(e) Subsections (c) and (d) do not apply to the:

(1) pension benefit of a retired member; or

(2) disability benefit of a member who becomes disabled.

SECTION 147. IC 36-8-8.5-14, AS AMENDED BY P.L.35-2012, SECTION 143, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 14. (a) Subject to subsection (b), a member who enters the DROP established by this chapter shall exit the DROP at the earliest of:

(1) the member's DROP retirement date;

(2) thirty-six (36) months after the member's DROP entry date;

(3) the mandatory retirement age applicable to the member, if any;

(4) the date the member retires because of a disability as provided under section 16.5(d) of this chapter; or

(5) the date determined under IC 36-8-8-24.8 **(before its expiration).**

(b) A member of the 1925 fund, the 1937 fund, or the 1953 fund who enters the DROP established by this chapter must exit the DROP on the date the authority of the board of trustees of the Indiana public retirement system to distribute from the pension relief fund established under IC 5-10.3-11-1 to units of local government (described in IC 5-10.3-11-3) amounts determined under IC 5-10.3-11-4.7 expires.

SECTION 148. IC 36-9-22-2, AS AMENDED BY P.L.150-2019,

SECTION 1, AND AS AMENDED BY P.L.257-2019, SECTION 162, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 2. (a) The power of the municipal works board to fix the terms of a contract under this section applies to contracts for the installation of sewage works that have not been finally approved or accepted for full maintenance and operation by the municipality on July 1, 1979.

(b) The works board of a municipality may contract with owners of real property for the construction of sewage works within the municipality or within four (4) miles outside its corporate boundaries in order to provide service for the area in which the real property of the owners is located. The contract must provide, for a period of not to exceed fifteen (15) years, for the payment to the owners and their assigns by any owner of real property who:

(1) did not contribute to the original cost of the sewage works; and

(2) subsequently taps into, uses, or deposits sewage or storm waters in the sewage works or any lateral sewers connected to them;

of a fair pro rata share of the cost of the construction of the sewage works, subject to the rules of the board and notwithstanding any other law relating to the functions of local governmental entities. However, the contract does not apply to any owner of real property who is not a party to the contract unless the contract or (after June 30, 2013) a signed memorandum of the contract has been recorded in the office of the recorder of the county in which the real property of the owner is located before the owner taps into or connects to the sewers and facilities. The board may provide that the fair pro rata share of the cost of construction includes interest at a rate not exceeding the amount of interest allowed on judgments, and the interest shall be computed from the date the sewage works are approved until the date payment is made to the municipality.

(c) The contract must include, as part of the consideration running to the municipality, the release of the right of:

(1) the parties to the contract; and

(2) the successors in title of the parties to the contract;

to remonstrate against pending or future annexations by the municipality of the area served by the sewage works. Any person

tapping into or connecting to the sewage works contracted for is considered to waive the person's rights to remonstrate against the annexation of the area served by the sewage works.

(d) Notwithstanding subsection (c), the works board of a municipality may waive the provisions of subsection (c) in the contract if:

(1) the works board considers a waiver of subsection (c) to be in the best interests of the municipality; *or*

(2) the contract involves connection to the sewage works under IC 36-9-22.5.

(e) This subsection does not affect any rights or liabilities accrued, or proceedings begun before July 1, 2013. Those rights, liabilities, and proceedings continue and shall be imposed and enforced under prior law as if this subsection had not been enacted. For contracts executed after June 30, 2013, *if* the release of the right to remonstrate *is not void under subsection (i), (j), or (k), the release* is binding on a successor in title to a party to the contract only if the successor in title:

(1) has actual notice of the release; or

(2) has constructive notice of the release because the contract, or a signed memorandum of the contract stating the release, has been recorded in the chain of title of the property.

(f) Subsection (c) does not apply to a landowner if all of the following conditions apply:

(1) The landowner is required to connect to the sewage works because a person other than the landowner has polluted or contaminated the area.

(2) The costs of extension of or connection to the sewage works are paid by a person other than the landowner or the municipality.

(g) Subsection (c) does not apply to a landowner who taps into, connects to, or is required to tap into or connect to the sewage works of a municipality only because the municipality provides wholesale sewage service (as defined in IC 8-1-2-61.7) to another municipality that provides sewage service to the landowner.

~~*(h) Notwithstanding any other law, a waiver of the right of remonstrance executed after June 30, 2015, expires not later than fifteen (15) years after the date the waiver was executed.*~~

~~*(i)*~~ *(h)* This subsection applies to any deed recorded after June 30,

2015. This subsection applies only to property that is subject to a remonstrance waiver. A municipality shall provide written notice to any successor in title to property within a reasonable time after the deed is recorded, that a waiver of the right of remonstrance exists with respect to the property.

(i) A remonstrance waiver executed on or before July 1, 2003, is void. This subsection does not invalidate an annexation that was effective on or before July 1, 2019.

(j) A remonstrance waiver executed after June 30, 2003, and not later than June 30, 2019, is subject to the following:

(1) The waiver is void unless the waiver was recorded:

(A) before January 1, 2020; and

(B) with the county recorder of the county where the property subject to the waiver is located.

(2) A waiver that is not void under subdivision (1) expires not later than fifteen (15) years after the date the waiver is executed.

This subsection does not invalidate an annexation that was effective on or before July 1, 2019.

(k) A remonstrance waiver executed after June 30, 2019, is subject to the following:

(1) The waiver is void unless the waiver is recorded:

(A) not later than thirty (30) business days after the date the waiver was executed; and

(B) with the county recorder of the county where the property subject to the waiver is located.

(2) A waiver that is not void under subdivision (1) expires not later than fifteen (15) years after the date the waiver is executed.

This subsection does not invalidate an annexation that was effective on or before July 1, 2019.

SECTION 149. IC 36-9-25-14, AS AMENDED BY P.L.150-2019, SECTION 3, AND AS AMENDED BY P.L.257-2019, SECTION 166, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 14. (a) As to each municipality to which this chapter applies:

(1) all the territory included within the corporate boundaries of the municipality; and

(2) any territory, town, addition, platted subdivision, or unplatted

land lying outside the corporate boundaries of the municipality that has been taken into the district in accordance with a prior statute, the sewage or drainage of which discharges into or through the sewage system of the municipality;

constitutes a special taxing district for the purpose of providing for the sanitary disposal of the sewage of the district in a manner that protects the public health and prevents the undue pollution of watercourses of the district.

(b) Upon request by:

(1) a resolution adopted by the legislative body of another municipality in the same county; or

(2) a petition of the majority of the resident freeholders in a platted subdivision or of the owners of unplatted land outside the boundaries of a municipality, if the platted subdivision or unplatted land is in the same county;

the board may adopt a resolution incorporating all or any part of the area of the municipality, platted subdivision, or unplatted land into the district.

(c) A request under subsection (b) must be signed and certified as correct by the secretary of the legislative body, resident freeholders, or landowners. The original shall be preserved in the records of the board. The resolution of the board incorporating an area in the district must be in writing and must contain an accurate description of the area incorporated into the district. A certified copy of the resolution, signed by the president and secretary of the board, together with a map showing the boundaries of the district and the location of additional areas, shall be delivered to the auditor of the county within which the district is located. It shall be properly indexed and kept in the permanent records of the offices of the auditor.

(d) In addition, upon request by ten (10) or more interested resident freeholders in a platted or unplatted territory, the board may define the limits of an area within the county and including the property of the freeholders that is to be considered for inclusion into the district. Notice of the defining of the area by the board, and notice of the location and limits of the area, shall be given by publication in accordance with IC 5-3-1. Upon request by a majority of the resident freeholders of the area, the area may be incorporated into the district in the manner

provided in this section. The resolution of the board incorporating the area into the district and a map of the area shall be made and filed in the same manner.

(e) In addition, a person owning or occupying real property outside the district may enter into a sewer service agreement with the board for connection to the sewage works of the district. If the agreement provides for connection at a later time, the date or the event upon which the service commences shall be stated in the agreement. The agreement may impose any conditions for connection that the board determines. The agreement must also provide the amount of service charge to be charged for connection if the persons are not covered under section 11 of this chapter, with the amount to be fixed by the board in its discretion and without a hearing.

(f) All sewer service agreements made under subsection (e) or (after June 30, 2013) a signed memorandum of the sewer service agreement shall be recorded in the office of the recorder of the county where the property is located. The agreements run with the property described and are binding upon the persons owning or occupying the property, their personal representatives, heirs, devisees, grantees, successors, and assigns. Each agreement that is recorded, or each agreement of which a signed memorandum is recorded, and that provides for the property being served to be placed on the tax rolls shall be certified by the board to the auditor of the county where the property is located. The certification must state the date the property is to be placed on the tax rolls, and upon receipt of the certification together with a copy of the agreement, the auditor shall immediately place the property certified upon the rolls of property subject to the levy and collection of taxes for the district. An agreement may provide for the collection of a service charge for the period services are rendered before the levy and collection of the tax.

(g) Except as provided in ~~*subsection*~~ *subsections* (j) *and* ~~*(m),*~~ **(l),** sewer service agreements made under subsection (e) must contain a waiver provision that persons (other than municipalities) who own or occupy property agree for themselves, their executors, administrators, heirs, devisees, grantees, successors, and assigns that they will:

(1) neither object to nor file a remonstrance against the proposed annexation of the property by a municipality within the boundaries

of the district;

(2) not appeal from an order or a judgment annexing the property to a municipality; and

(3) not file a complaint or an action against annexation proceedings.

(h) This subsection does not affect any rights or liabilities accrued or proceedings begun before July 1, 2013. Those rights, liabilities, and proceedings continue and shall be imposed and enforced under prior law as if this subsection had not been enacted. For contracts executed after June 30, 2013, a waiver of the right to remonstrate under subsection (g) *that is not void under subsection* ~~*(l),*~~ *(m),* ~~*or*~~ *(n),* **or (o)** is binding as to an executor, administrator, heir, devisee, grantee, successor, or assign of a party to a sewer service agreement under subsection (g) only if the executor, administrator, heir, devisee, grantee, successor, or assign:

(1) has actual notice of the waiver; or

(2) has constructive notice of the waiver because the sewer service agreement or a signed memorandum of the sewer service agreement stating the waiver has been recorded in the chain of title of the property.

(i) This section does not affect any sewer service agreements entered into before March 13, 1953. *However, this section applies to a remonstrance waiver regardless of when the waiver was executed.*

(j) Subsection (g) does not apply to a landowner if all of the following conditions apply:

(1) The landowner is required to connect to a sewer service because a person other than the landowner has polluted or contaminated the area.

(2) The costs of extension of service or connection to the sewer service are paid by a person other than the landowner or the municipality.

~~*(k) Notwithstanding any other law, a waiver of the right of remonstrance executed after June 30, 2015, expires not later than fifteen (15) years after the date the waiver was executed.*~~

~~*(l)*~~ *(k)* This subsection applies to any deed recorded after June 30, 2015. This subsection applies only to property that is subject to a remonstrance waiver. A municipality shall provide written notice to any successor in title to property within a reasonable time after the deed is

recorded, that a waiver of the right of remonstrance has been granted with respect to the property.

~~*(m)*~~ **(l)** *The board may waive the waiver provision described in subsection (g) in a sewer service agreement made under subsection (e) if the sewer service agreement involves a connection to the district's sewage works under IC 36-9-22.5.*

~~*(l)*~~ **(m)** *A remonstrance waiver executed before July 1, 2003, is void. This subsection does not invalidate an annexation that was effective on or before July 1, 2019.*

~~*(m)*~~ **(n)** *A remonstrance waiver executed after June 30, 2003, and before July 1, 2019, is subject to the following:*

(1) The waiver is void unless the waiver was recorded:

(A) before January 1, 2020; and

(B) with the county recorder of the county where the property subject to the waiver is located.

(2) A waiver that is not void under subdivision (1) expires not later than fifteen (15) years after the date the waiver is executed.

This subsection does not invalidate an annexation that was effective on or before July 1, 2019.

~~*(n)*~~ **(o)** *A remonstrance waiver executed after June 30, 2019, is subject to the following:*

(1) The waiver is void unless the waiver is recorded:

(A) not later than thirty (30) business days after the date the waiver was executed; and

(B) with the county recorder of the county where the property subject to the waiver is located.

(2) A waiver that is not void under subdivision (1) expires not later than fifteen (15) years after the date the waiver is executed.

This subsection does not invalidate an annexation that was effective on or before July 1, 2019.

SECTION 150. IC 36-10-3-4.2, AS ADDED BY P.L.75-2019, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 4.2. (a) This section applies if an ordinance is:

(1) adopted creating a county department under section 3.1(d) of this chapter; or

(2) amended by the county fiscal body as to the composition of the county board as set forth in section 3.1(e) of this chapter.

(b) The county board shall be appointed as follows:

(1) The county executive shall appoint two (2) members. The members must be affiliated with different political parties.

(2) The county fiscal body shall appoint two (2) members. The members must be affiliated with different political parties.

(c) The creating ordinance may provide for one (1) other elected county official to appoint one (1) member to the county board that is in addition to the members provided for under subsection (b). However, the elected county official may not appoint a member of the county fiscal body or the county executive to serve on the board as provided in subsection (g).

(d) The creating ordinance may also provide for:

(1) the county cooperative extension coordinator;

(2) the county extension educator; or

(3) a member selected by the board of supervisors of a soil and water conservation district;

to serve as an ex officio member of the county board in addition to the members provided for under subsections (b) and (c).

(e) The creating ordinance described in ~~subsections (b) and (c)~~ **this section** may not permit:

(1) the appointment of an additional member to the county board by either the county executive or the county fiscal body; or

(2) the delegation of an additional appointment to the county board by either the county executive or the county fiscal body by an additional member who serves under subsection (d)(1) through (d)(3).

(f) All members:

(1) appointed under this section constitute the county board; and

(2) have the same rights, including the right to vote.

A vacancy in the seat of a member shall be filled by the appointing authority.

(g) A municipal executive, a member of a county fiscal body, a member of the county executive, or a member of the municipal fiscal body may not serve on a board.

SECTION 151. IC 36-10-4-21, AS AMENDED BY P.L.277-2019, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 21. (a) The board may exercise the

power of eminent domain for the purposes of this chapter:

(1) within the corporate boundaries of the city; and

(2) before July 1, 2019, outside of the city within:

(A) ten (10) miles; or

(B) five (5) miles if the city adopted this chapter by ordinance under IC 19-7-9 (before its repeal on September 1, 1981);

~~of the corporate boundaries of the city and within the county in which the city is located.~~

of the corporate boundaries of the city and within the county in which the city is located.

The board may award damages to landowners for real property and property rights appropriated or injuriously affected and assess benefits to property beneficially affected. If the board cannot agree with the owners, lessees, or occupants of any real property selected by the board for the purposes of this chapter, the board may condemn the property as provided in this chapter, and, when not inconsistent with this chapter, may proceed under statutes governing the condemnation of land and rights-of-way for other public purposes.

(b) If the land or surface of the ground on, over, or across which it is necessary or advisable to establish, construct, or improve a boulevard, parkway, or pleasure driveway is already in use for another public purpose or has been condemned or appropriated for a use authorized by statute and is being used for that purpose by the entity appropriating it, the public use or prior condemnation does not bar the board from condemning the use of the ground for park purposes. However, the use by the board does not permanently prevent the use of the land or the surface of the ground for the prior public use or by the entity condemning or appropriating it. In a proceeding prosecuted by the board to condemn the use of land or the surface of the ground for purposes permitted by this chapter, the board must show that its proposed use will not permanently or seriously interfere with the continued use of the land or the surface of the ground.

SECTION 152. [EFFECTIVE UPON PASSAGE] **(a) This act may be referred to as the "technical corrections bill of the 2020 general assembly".**

(b) The phrase "technical corrections bill of the 2020 general assembly" may be used in the lead-in line of an act other than this

act to identify provisions added, amended, or repealed by this act that are also amended or repealed in the other act.

(c) This SECTION expires December 31, 2020.

SECTION 153. [EFFECTIVE UPON PASSAGE] **(a) This SECTION applies if a provision of the Indiana Code is:**

(1) added or amended by this act; and

(2) repealed by another act without recognizing the existence of the amendment made by this act by an appropriate reference in the lead-in line of the SECTION of the other act repealing the same provision of the Indiana Code.

(b) As used in this SECTION, "other act" refers to an act enacted in the 2020 session of the general assembly other than this act. "Another act" has a corresponding meaning.

(c) Except as provided in subsections (d) and (e), a provision repealed by another act shall be considered repealed, regardless of whether there is a difference in the effective date of the provision added or amended by this act and the provision repealed by the other act. Except as provided in subsection (d), the lawful compilers of the Indiana Code, in publishing the affected Indiana Code provision, shall publish only the version of the Indiana Code provision that is repealed by the other act. The history line for an Indiana Code provision that is repealed by the other act must reference that act.

(d) This subsection applies if a provision described in subsection (a) that is added or amended by this act takes effect before the corresponding provision repeal in the other act. The lawful compilers of the Indiana Code, in publishing the provision added or amended in this act, shall publish that version of the provision and note that the provision is effective until the effective date of the corresponding provision repeal in the other act. On and after the effective date of the corresponding provision repeal in the other act, the provision repealed by the other act shall be considered repealed, regardless of whether there is a difference in the effective date of the provision added or amended by this act and the provision repealed by the other act. The lawful compilers of the Indiana Code, in publishing the affected Indiana Code provision, shall publish the version of the Indiana Code provision that is

repealed by the other act, and shall note that this version of the provision is effective on the effective date of the repealed provision of the other act.

(e) If, during the same year, two (2) or more other acts repeal the same Indiana Code provision as the Indiana Code provision added or amended by this act, the lawful compilers of the Indiana Code, in publishing the Indiana Code provision, shall follow the principles set forth in this SECTION.

(f) This SECTION expires December 31, 2020.

SECTION 154. **An emergency is declared for this act.**

P.L.157-2020
[H.1108. Approved March 21, 2020.]

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

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

SECTION 1. IC 2-5-1.1-6.3, AS ADDED BY P.L.104-2014, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 6.3. (a) The following definitions apply throughout this section:

(1) "Audit committee" refers to the audit and financial reporting subcommittee of the legislative council established by subsection (b).

(2) "Audited entity" refers to the state, a municipality, a public hospital, or another person or entity that is subject to an examination by the state board of accounts under IC 5-11-1 or another law. However, the term applies to an entity (as defined in IC 5-11-1-16(e)) to the extent that the entity is required to be

examined under IC 5-11-1-9 or another law.

(3) "Examination" refers to an audit, examination, or other engagement by the state board of accounts, its field examiners, or private examiners under IC 5-11-1 or another law.

(b) The audit and financial reporting subcommittee of the legislative council is established to assure the independence of the state board of accounts. The subcommittee is comprised of five (5) voting members and one (1) advisory member, who shall be the director of the office of management and budget, or the director's designee. The chairman of the legislative council, with the advice of the vice chairman of the legislative council, shall appoint the voting members of the audit committee and its chairperson. The audit committee may have members who are not members of the legislative council. If the individual appointed is not a member of the general assembly, the term of the member is three (3) years. If the individual appointed is a member of the general assembly, the term of the member is one (1) year. However, to stagger the terms of the members, if the individual appointed is not a member of the general assembly, the initial term of two (2) of these members is two (2) years instead of three (3) years. All members of the audit committee must possess or obtain a basic understanding of governmental financial reporting and auditing. To ensure the audit committee's independence and effectiveness, a member of the audit committee may not exercise managerial responsibilities that fall within the scope of an examination required by IC 5-11-1.

(c) It is the responsibility of the audit committee to provide independent review and oversight of the state board of accounts and the examination process used by the state board of accounts. To carry out this responsibility, the audit committee shall do at least the following:

(1) Review and monitor the independence and objectivity of the state board of accounts and the effectiveness of the examination process, taking into consideration relevant professional and regulatory requirements.

(2) Evaluate the findings and recommendations of any peer review of the state board of accounts that is required by recognized government auditing standards.

(3) Receive and review reports of examinations submitted under IC 5-11-5-1 or another law to monitor the integrity of the financial

reporting process and the effectiveness of the state board of accounts in evaluating the internal accounting controls of audited entities.

(4) Monitor the actions of the examined entities to follow up on reported findings to assure corrective action is taken.

(5) Review the policy on the engagement of the state board of accounts, its field examiners, and private examiners to supply nonaudit services, taking into account relevant ethical guidance regarding the provision of nonaudit services by the state board of accounts.

(6) Provide guidance to the state board of accounts on any accounting, examination, or financial reporting matter requested by the state board of accounts.

(7) At least annually, report to the legislative council on how the audit committee has discharged its duties and met its responsibilities.

(d) An examined entity shall provide the audit committee with information, including any reports of internal auditors and annual internal audit work plans, that the audit committee requests as necessary or appropriate to carry out the responsibilities of the audit committee.

(e) IC 2-5-1.2 applies to the committee. In addition, the audit committee may retain the services of at least one (1) financial expert who is either an audit committee member or an outside party engaged by the audit committee for this purpose. The financial expert must, through both education and experience and in a manner specifically relevant to the government sector, possess:

(1) an understanding of generally accepted accounting principles and financial statements;

(2) experience in preparing or auditing financial statements of comparable entities;

(3) experience in applying such principles in connection with the accounting for estimates, accruals, and reserves;

(4) experience with internal accounting controls; and

(5) an understanding of audit committee functions.

The expenses of the audit committee shall be paid from appropriations for the legislative council and the legislative services agency.

(f) The audit committee shall receive appeals and conduct

hearings as described in IC 5-11-1-9.3.

SECTION 2. IC 5-11-1-2, AS AMENDED BY P.L.176-2009, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 2. The state board of accounts shall formulate, prescribe, and install a system of accounting and reporting in conformity with this chapter **for use by an audited entity,** which must comply with the following:

(1) Be uniform for every public office and every public account of the same class and contain written standards that an entity that is subject to audit must observe.

(2) Exhibit true accounts and detailed statements of funds collected, received, obligated, and expended for or on account of the public for any and every purpose whatever, and by all public officers, employees, or other individuals.

(3) Show the receipt, use, and disposition of all public property and the income, if any, derived from the property.

(4) Show all sources of public income and the amounts due and received from each source.

(5) Show all receipts, vouchers, contracts, obligations, and other documents kept, or that may be required to be kept, to prove the validity of every transaction.

The state board of accounts shall formulate or approve all statements and reports necessary for the internal administration of the office to which the statements and reports pertain. The state board of accounts shall approve all reports that are published or that are required to be filed in the office of state examiner. The state board of accounts shall from time to time make and enforce changes in the system and forms of accounting and reporting as necessary to conform to law.

SECTION 3. IC 5-11-1-4, AS AMENDED BY P.L.244-2017, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 4. (a) The state examiner shall require from every ~~municipality and every state or local governmental unit, entity, or instrumentality~~ **audited entity** financial reports covering the full period of each fiscal year. These reports shall be prepared, verified, and filed with the state examiner not later than sixty (60) days after the close of each fiscal year. The reports must be in the form and content prescribed by the state examiner and filed electronically in the manner prescribed

under IC 5-14-3.8-7.

(b) The department of local government finance may not approve the budget of a political subdivision or a supplemental appropriation for a political subdivision until the political subdivision files an annual report under subsection (a) for the preceding calendar year.

(c) As used in this subsection, "bonds" means any bonds, notes, or other evidences of indebtedness, whether payable from property taxes, other taxes, revenues, fees, or any other source. However, the term does not include notes, warrants, or other evidences of indebtedness that have a maturity of not more than five (5) years and that are made in anticipation of and to be paid from revenues of the political subdivision. Notwithstanding any other law, a county or municipality may not issue any bonds unless the county or municipality has filed an annual financial report with the state examiner for the preceding fiscal year. The requirements under this subsection for the issuance of bonds by a county or municipality are in addition to any other requirements imposed under any other law. This subsection applies to the issuance of bonds authorized under any statute, regardless of whether that statute specifically references this subsection or the requirements under this subsection.

SECTION 4. IC 5-11-1-9, AS AMENDED BY P.L.209-2019, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 9. (a) The state examiner, personally or through the deputy examiners, field examiners, or private examiners, shall examine all accounts and all financial affairs of every ~~public office and officer, state office, state institution, and entity.~~ **audited entity.** However, an examination of an entity under this subsection shall be limited to matters relevant to the use of the public money received by the entity.

(b) An examination of an entity that is organized as a not-for-profit corporation deriving:

(1) less than fifty percent (50%); or

(2) subject to subsection (i), at least fifty percent (50%) but less than seven hundred fifty thousand dollars ($750,000);

of its disbursements during the period subject to an examination from appropriations, public funds, taxes, and other sources of public expense shall be limited to matters relevant to the use of the public money

received by the entity.

(c) The examination of an entity described in subsection (b) may be waived by the state examiner if the state examiner determines that:

(1) in consideration of the applicable risk based examination criteria described in and approved under section 25 of this chapter; and

(2) based on submitted information;

there are no compelling reasons to conclude that disbursements of public money during the period subject to examination were inconsistent with the purposes for which the money was received. However, the state examiner may revoke a waiver granted under this subsection if the state examiner determines that revocation of the waiver is necessary in accordance with the risk based examination criteria set forth in section 25 of this chapter. The state examiner shall communicate the determination to grant or revoke a waiver under this subsection to the entity in writing.

(d) Notwithstanding any other law, the:

(1) Indiana economic development corporation created by IC 5-28-3 and the corporation's funds, accounts, and financial affairs shall be examined by the state board of accounts unless the examination is waived under subsection (j); and

(2) department of financial institutions established by IC 28-11-1-1 and the department's funds, accounts, and financial affairs shall be examined by the state board of accounts.

(e) On every examination under this section, inquiry shall be made as to the following:

(1) The financial condition and resources of each ~~municipality, office, institution, or entity.~~ **audited entity.**

(2) Whether the laws of the state and the uniform compliance guidelines of the state board of accounts established under section 24 of this chapter have been complied with.

(3) The methods and accuracy of the accounts and reports of the person examined.

The examinations may be made without notice.

(f) If during an examination of a state office **or a body corporate and politic** under this chapter the examiner encounters an inefficiency in the operation of the state office **or the body corporate and politic,**

the examiner may comment on the inefficiency in the examiner's report.

(g) The state examiner, deputy examiners, any field examiner, or any private examiner, when engaged in making any examination or when engaged in any official duty devolved upon them by the state examiner, is entitled to do the following:

(1) Enter into any state, county, city, township, or other public office in this state, or any entity, agency, or instrumentality, and examine any books, papers, documents, or electronically stored information for the purpose of making an examination.

(2) Have access, in the presence of the custodian or the custodian's deputy, to the cash drawers and cash in the custody of the officer.

(3) During business hours, examine the public accounts in any depository that has public funds in its custody pursuant to the laws of this state.

(h) The state examiner, deputy examiner, or any field examiner, when engaged in making any examination authorized by law, may issue subpoenas for witnesses to appear before the examiner in person or to produce books, papers, or other records (including records stored in electronic data processing systems) for inspection and examination. **The state examiner, deputy examiner, or any field examiner may issue a subpoena to enforce the filing of the annual financial report.** The state examiner, deputy examiner, and any field examiner may administer oaths and examine witnesses under oath orally or by interrogatories concerning the matters under investigation and examination. Under the authority of the state examiner, the oral examinations may be transcribed with the reasonable expense paid by the examined person in the same manner as the compensation of the field examiner is paid. The subpoenas shall be served by any person authorized to serve civil process from any court in this state. If a witness **or officer** duly subpoenaed refuses to attend, refuses to produce information required in the subpoena, or attends and refuses to be sworn or affirmed, or to testify when called upon to do so, the examiner may apply to the circuit court having jurisdiction of the witness **or officer** for the enforcement of attendance and answers to questions as provided by the law governing the taking of depositions **or to enforce the filing of any report referred to in this subsection.**

(i) The definitions in IC 20-24-1 apply throughout this subsection.

Appropriations, public funds, taxes, and other sources of public money received by a nonprofit corporation as a charter school or organizer of a charter school for the purposes of a charter school may not be counted for the purpose of applying subsection (b)(2). Unless the nonprofit corporation receives other public money that would qualify the nonprofit corporation for a full examination of all accounts and financial affairs of the entity under subsection (b)(2), an examination of a charter school or organizer of a charter school must be limited to matters relevant to the use of the public money received for the charter school. This subsection does not prohibit the state examiner, personally or through the deputy examiners, field examiners, or private examiners, from examining the accounts in which appropriations, public funds, taxes, or other sources of public money are applied that are received by a nonprofit corporation as a charter school or organizer of a charter school relating to the operation of the charter school.

(j) The state examiner may waive the examination of the Indiana economic development corporation and a nonprofit subsidiary corporation established under IC 5-28-5-13 if:

(1) an independent certified public accounting firm conducts an examination under IC 5-28-3-2(c) of:

(A) the Indiana economic development corporation and the Indiana economic development corporation's funds, accounts, and financial affairs; and

(B) the nonprofit subsidiary corporation;

for the year;

(2) the Indiana economic development corporation submits the examination report to the state board of accounts; and

(3) the state board of accounts reviews the examination report and determines that the examination and examination report comply with the uniform compliance guidelines, directives, and standards established by the state board of accounts.

(k) Notwithstanding the waiver of an examination of the Indiana economic development corporation and its nonprofit subsidiary corporation by the state examiner, the state board of accounts may examine the Indiana economic development corporation and its nonprofit subsidiary corporation at any time.

SECTION 5. IC 5-11-1-9.3 IS ADDED TO THE INDIANA CODE

AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 9.3. (a) This section applies only to a body corporate and politic whose enabling statute does not provide for an annual audit, examination, or other engagement by:**

(1) the state board of accounts; or

(2) an independent public accounting firm;

concerning financial or compliance related matters of the body corporate and politic.

(b) This section does not affect a body corporate and politic whose enabling statute provides for an annual audit, examination, or other engagement by the state board of accounts or an independent public accounting firm.

(c) As used in this section, "audit committee" refers to the audit and financial reporting subcommittee of the legislative council established by IC 2-5-1.1-6.3(b).

(d) As used in this section, "enabling statute" refers to a statute, including a statute enacted after June 30, 2020, that establishes a body corporate and politic.

(e) The state board of accounts may conduct an examination of a body corporate and politic described in this section. The state board of accounts shall permit a body corporate and politic to request in writing to the state examiner that an examination under this section be performed by an independent public accounting firm. The state examiner may approve a request under this section based on the applicable risk based examination criteria described in and approved under section 25 of this chapter.

(f) If a request under subsection (e) for an independent public accounting firm to conduct an examination is denied by the state examiner, the body corporate and politic may file an appeal of the denial with the audit committee. The audit committee shall hold a public hearing concerning the appeal and prepare a written decision determining whether the independent public accounting firm selected by the body corporate and politic is permitted to conduct the examination under this section. The audit committee's written decision is binding, and the state board of accounts shall allow the independent public accounting firm to conduct the examination if the audit committee determines the independent

public accounting firm is permitted. The audit committee shall provide a copy of the written decision to the state board of accounts and to the body corporate and politic. The audit committee shall post a copy of the written decision on the audit committee's Internet web site.

(g) An examination of a body corporate and politic conducted under this section by the state board of accounts or an independent public accounting firm shall be filed with:

(1) the state board of accounts in the manner provided by this article; and

(2) the auditor of state.

SECTION 6. IC 5-11-1-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 10. **(a)** A public officer **or responsible officer of an audited entity** who:

(1) fails to make, verify, and file with the state examiner any report required by this chapter;

(2) fails to follow the directions of the state examiner in keeping the accounts of the officer's office;

(3) refuses the state examiner, deputy examiner, field examiner, or private examiner access to the books, accounts, papers, documents, cash drawer, or cash of the officer's office; or

(4) interferes with an examiner in the discharge of the examiner's official duties;

commits a Class B infraction. ~~and forfeits office.~~ **The court may also order the officer described in this subsection to forfeit the officer's office.**

(b) As an alternative to an order to forfeit office under subsection (a), a court in which an action described in subsection (a) is filed may impose a civil penalty that does not exceed five hundred dollars ($500) for each day, beginning on the day that the court imposes the civil penalty and each day thereafter, that the public officer or responsible officer continues to violate an obligation described in subsection (a). The individual is personally liable for a civil penalty imposed on the individual under this section.

(c) The state board of accounts may collect the expenses incurred in carrying out the audit, examination, or engagement

from the audited entity of the officer described in this section.

SECTION 7. IC 5-11-1-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 15. (a) The state examiner, deputy examiners, and field examiners shall each give bond for the faithful performance of the examiner's duties ~~as follows:~~

~~(1) The state examiner in the sum of five thousand dollars ($5,000), to be approved by the governor.~~

~~(2) Each deputy examiner in the sum of three thousand dollars ($3,000), to be approved by the governor.~~

~~(3) Each field examiner in the sum of one thousand dollars ($1,000), to be approved by the state examiner.~~ **in an amount determined by the audit committee and based on applicable risk considerations.** However, field examiners may be covered by a blanket bond or crime insurance policy endorsed to include faithful performance under IC 5-4-1-15.1 subject to approval of the **audit committee and** state examiner.

(b) The commissioner of insurance shall prescribe the form of the bonds or crime policies required by this section.

SECTION 8. IC 5-11-1-16, AS AMENDED BY P.L.257-2019, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 16. (a) As used in this article, "municipality" means any county, township, city, town, school corporation, special taxing district, or other political subdivision of Indiana.

(b) As used in this article, "state" means any board, commission, department, division, bureau, committee, agency, governmental subdivision, military body, authority, or other instrumentality of the state, but does not include a municipality.

(c) As used in this article, "public office" means the office of any and every individual who for or on behalf of the state or any municipality or any public hospital holds, receives, disburses, or keeps the accounts of the receipts and disbursements of any public funds.

(d) As used in this article, "public officer" means any individual who holds, receives, disburses, or is required by law to keep any account of public funds or other funds for which the individual is accountable by virtue of the individual's public office.

(e) As used in this article, "entity" means any provider of goods, services, or other benefits that is:

(1) maintained in whole or in part at public expense; or

(2) supported in whole or in part by appropriations or public funds or by taxation.

The term does not include the state or a municipality (as defined in this section).

(f) As used in this article, a "public hospital" means either of the following:

(1) An institution licensed under IC 16-21 and which is owned by the state or an agency of the state or one which is a municipal corporation. A hospital is a municipal corporation if its governing board members are appointed by elected officials of a municipality.

(2) A state institution (as defined in IC 12-7-2-184).

(g) As used in this article, "audit committee" refers to the audit and financial reporting subcommittee of the legislative council established by IC 2-5-1.1-6.3.

(h) As used in this article, "audited entity" has the meaning set forth in IC 2-5-1.1-6.3.

(i) As used in this article, "development authority" has the meaning set forth in the following:

(1) IC 36-7.5-1-8.

(2) IC 36-7.6-1-8.

(j) As used in this article, "responsible officer of an audited entity" refers to the chief executive officer or another individual who has executive decision making authority for the audited entity with respect to a compliance obligation prescribed by or established under this article or another law.

SECTION 9. IC 5-11-1-18, AS AMENDED BY P.L.181-2015, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 18. All examinations under this chapter may be made without notice to the **audited entities or** officers whose accounts are to be examined, and without notice to any clerk, deputy, employee, or other person employed in or connected with the office or the business of such an **audited entity or** officer. A person who recklessly communicates knowledge of any proposed examination of any public account:

(1) that the board has determined to make without notice under

this section; and

(2) to the officer in charge of the account or to any other unauthorized person;

commits a Class B misdemeanor.

SECTION 10. IC 5-11-1-21 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 21. **(a)** All public officers **and responsible officers of audited entities** shall adopt and use the books, forms, records, and systems of accounting and reporting adopted by the state board of accounts, when directed so to do by the board, and all forms, books, and records shall be purchased by those officers in the manner provided by law. An officer **described in this subsection** who refuses to provide such books, forms, or records, fails to use them, or fails to keep the accounts of ~~his~~ **the officer's** office as directed by the board commits a Class C infraction. ~~and forfeits his office.~~ **The court may also order the officer to forfeit the officer's office.**

(b) As an alternative to an order to forfeit office under subsection (a), a court in which an action described in subsection (a) is filed may impose a civil penalty that does not exceed five hundred dollars ($500) for each day, beginning on the day that the court imposes the civil penalty and each day thereafter, that the public officer or responsible officer continues to violate an obligation described in subsection (a). The individual is personally liable for a civil penalty imposed on the individual under this section.

(c) The state board of accounts may collect the expenses incurred in carrying out the audit, examination, or engagement from the audited entity of the officer described in this section.

SECTION 11. IC 5-11-1-22 IS REPEALED [EFFECTIVE JULY 1, 2020]. ~~Sec. 22. The provisions of this chapter shall not be construed to relieve any officer of any duties required by law of him on April 5, 1909, with relation to the auditing of public accounts or the disbursement of public funds, but the provisions of this chapter shall be construed to be supplemental to all provisions of law existing on April 5, 1909, safeguarding the care and disbursement of public funds; and provided further, that the provisions of this chapter shall not be construed to limit or curtail the power of the governor of the state under~~

~~laws existing on April 5, 1909, to make examination or investigation of any public office or to require reports therefrom.~~

SECTION 12. IC 5-11-1-25, AS AMENDED BY P.L.257-2019, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 25. (a) This section and section 24.4 of this chapter do not limit the application of any law that requires a municipality, a public hospital, another public office or public officer, an entity, or another person or organization to be audited or otherwise examined on an annual or other basis by:

(1) a certified public accountant; or

(2) a person other than the state examiner or the state board of accounts.

(b) Subject to section 9 of this chapter and subsections (c) and (d), the state board of accounts shall conduct examinations of audited entities at the times determined by the state board of accounts, but not less than once every four (4) years, using risk based examination criteria that are established by the state board of accounts and approved by the audit committee. The risk based examination criteria must include the following risk factors:

(1) An audited entity has a newly elected or appointed fiscal officer.

(2) An audited entity:

(A) has not timely filed; or

(B) has filed a materially incorrect or incomplete;

annual financial report required by section 4 of this chapter.

(3) A ratings agency that rates debt maintained by an audited entity has determined an examination of the audited entity is required more frequently than once every four (4) years.

~~(3)~~ **(4)** Any other factor determined by the state examiner and approved by the audit committee.

(c) Examinations must be conducted annually for the following:

(1) The state.

(2) An audited entity (other than a school corporation) that requires an annual audit:

(A) because of the receipt of federal financial assistance in an amount that subjects the audited entity to an annual federal audit;

(B) due to continuing disclosure requirements; or

(C) as a condition of a public bond issuance.

(3) A development authority.

An audited entity shall, under the guidelines established by the state board of accounts, provide notice to the state examiner not later than sixty (60) days after the close of the audited entity's fiscal year that the audited entity is required to have an annual audit under subdivision (2).

(d) As permitted under this section since September 1, 1986 (the effective date of P.L.3-1986, SECTION 16), examinations of school corporations shall be conducted biennially.

SECTION 13. IC 5-11-5-1, AS AMENDED BY P.L.209-2019, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1. (a) Whenever an examination is made under this article, a report of the examination shall be made. The report must include a list of findings and shall be signed and verified by the examiner making the examination. A finding that is critical of an examined entity must be based upon one (1) of the following:

(1) Failure of the entity to observe a uniform compliance guideline established under IC 5-11-1-24(a).

(2) Failure of the entity to comply with a specific law.

A report that includes a finding that is critical of an examined entity must designate the uniform compliance guideline or the specific law upon which the finding is based. **Except as provided in subsection (g), the state board of accounts may also issue confidential management letters, based on professional auditing standards, to an audited entity (as defined in section 1.5(a) of this chapter) in a situation involving noncompliance that does not result in the establishment of a corrective action plan but that must be brought to the attention of the audited entity's governing body. If issues addressed in the confidential management letter become part of a finding in the subsequent audit period, it shall be noted in the public report.** The reports shall immediately be filed with the state examiner, and, after inspection of the report, the state examiner shall immediately file one (1) copy with the officer or person examined, one (1) copy with the auditing department of the municipality examined and reported upon (if the subject of the report is a municipality), and one (1) copy in an electronic format under IC 5-14-6 with the legislative

services agency, as staff to the audit committee and the general assembly. Upon filing, the report becomes a part of the public records of the office of the state examiner, of the office or the person examined, of the auditing department of the municipality examined and reported upon, and of the legislative services agency, as staff to the audit committee and the general assembly. A report is open to public inspection at all reasonable times after it is filed. If an examination discloses malfeasance, misfeasance, or nonfeasance in office or of any officer or employee, a copy of the report, signed and verified, shall be placed by the state examiner with the attorney general and the inspector general. The attorney general shall diligently institute and prosecute civil proceedings against the delinquent officer **or employee,** or upon the officer's **or employee's** official bond, or both, and against any other proper person that will secure to the state or to the proper municipality the recovery of any funds misappropriated, diverted, or unaccounted for.

(b) Before an examination report is signed, verified, and filed as required by subsection (a), the officer or the chief executive officer of the state office, municipality, or entity examined must have an opportunity to review the report and to file with the state examiner a written response to that report. If a written response is filed, it becomes a part of the examination report that is signed, verified, and filed as required by subsection (a). As part of the review of the examination report, the state examiner shall hold a gathering of the officer or chief executive officer of the state office, municipality, or entity examined, any employees or agents of the state office, municipality, or entity examined who are requested to attend by the officer or chief executive officer of the state office, municipality, or entity examined, and the members of the legislative and fiscal bodies of the municipality or entity examined. Such a gathering is referred to as an "exit conference" for purposes of this subsection. The following apply to an exit conference:

(1) All information discussed and materials presented or delivered by any person during an exit conference are confidential and may not be discussed or shared publicly until the earliest of the occurrences set forth in subsection (g). However, the information discussed and materials presented or delivered during an exit conference may be shared with an officer, employee, consultant, adviser, or attorney of the officer or chief executive officer of the

state office, municipality, or entity examined who was not present at the exit conference. An individual with whom information and materials are shared must maintain the confidentiality of the information and materials as provided in this subdivision until the earliest of the occurrences set forth in subsection (g).

(2) An individual attending an exit conference may not electronically record the exit conference.

(3) If a majority of a governing body (as defined in IC 5-14-1.5-2(b)) is present during an exit conference, the governing body shall be considered in an executive session under IC 5-14-1.5. However, the governing body has no obligation to give notice as prescribed by IC 5-14-1.5-5 when it participates in the exit conference.

(4) If the state examiner determines after the exit conference that additional actions must be undertaken by a deputy examiner, field examiner, or private examiner with respect to information discussed or materials presented at the exit conference, the state examiner may call for an additional exit conference to be held.

(5) Not more than thirty (30) days after the initial exit conference is held under this subsection, the legislative body of the municipality or entity examined and reported upon may adopt a resolution, approved by at least a two-thirds (2/3) vote of the legislative body, requesting that an additional exit conference be held. The legislative body shall notify the state board of accounts if the legislative body adopts a resolution under this subdivision. If a legislative body adopts a resolution under this subdivision, the state board of accounts shall conduct an additional exit conference not more than sixty (60) days after the state board of accounts receives notice of the adoption of the resolution. The municipality or entity examined must pay the travel and staff costs incurred by the state board of accounts in conducting an additional exit conference under this subdivision.

(6) Except as provided in subdivision (7), a final report under subsection (a) may not be issued earlier than forty-five (45) days after the initial exit conference is held under this subsection.

(7) If:

(A) the state examiner does not call for an additional exit

conference to be held as described in subdivision (4); and

(B) the:

(i) legislative body of the municipality or entity examined and reported upon provides written notice to the state examiner that the legislative body waives an additional exit conference described in subdivision (5); or

(ii) state examiner determines that a final report under subsection (a) must be issued as soon as possible;

the final report may be issued earlier than forty-five (45) days after the initial exit conference is held under this subsection.

(c) Except as provided by subsections (b), (d), and (e), it is unlawful for any person, before an examination report is made public as provided by this section, to make any disclosure of the result of any examination of any public account, except:

(1) to the state examiner;

(2) if directed to give publicity to the examination report by the state examiner or by any court;

(3) to another deputy examiner, field examiner, or private examiner engaged in conducting the examination; or

(4) if directed by the state examiner, to the chair of the audit committee or the members of the audit committee acting in executive session, or both.

If an examination report shows or discloses the commission of a crime by any person, it is the duty of the state examiner to transmit and present the examination report to the prosecuting attorney of the county in which the crime was committed. The state examiner shall furnish to the prosecuting attorney all evidence at the state examiner's command necessary in the investigation and prosecution of the crime.

(d) If, during an examination under this article, a deputy examiner, field examiner, or private examiner acting as an agent of the state examiner determines that the following conditions are satisfied, the examiner shall report the determination to the state examiner:

(1) A substantial amount of public funds has been misappropriated or diverted.

(2) The deputy examiner, field examiner, or private examiner acting as an agent of the state examiner has a reasonable belief that the malfeasance or misfeasance that resulted in the

misappropriation or diversion of the public funds was committed by the officer or an employee of the office **or entity.**

(e) After receiving a preliminary report under subsection (d), the state examiner may provide a copy of the report to the attorney general. The attorney general may institute and prosecute civil proceedings against the delinquent officer or employee, or upon the officer's or employee's official bond, or both, and against any other proper person that will secure to the state or to the proper municipality the recovery of any funds misappropriated, diverted, or unaccounted for.

(f) In an action under subsection (e), the attorney general may attach the defendant's property under IC 34-25-2.

(g) Except as permitted in this section, the information and materials that are part of an exit conference under subsection (b), ~~and~~ the results of an examination, including a preliminary report under subsection (d), are confidential until the occurrence of the earliest of the following:

(1) The final report is made public under subsection (a).

(2) The results of the examination are publicized under subsection (c)(2).

(3) The attorney general institutes an action under subsection (e) on the basis of the preliminary report.

(h) Except as permitted in this section, an individual, a public agency (as defined in IC 5-14-3-2), a public employee, a public official, or an employee or officer of a contractor or subcontractor of a public agency that knowingly or intentionally discloses information in violation of subsection (b) or (g), regardless of whether the information is received orally or by any other means, is subject to the following:

(1) A public agency (as defined in IC 5-14-3-2), a public employee, a public official, or an employee or officer of a contractor or subcontractor of a public agency commits a Class A infraction under IC 5-14-3-10.

(2) If the disclosure is by a person who is not described in subdivision (1), the person commits a Class A infraction.

(i) Unless in accordance with a judicial order or as otherwise provided in this section, the state board of accounts or its employees, former employees, counsel, or agents, or any other person may not divulge the examination workpapers and investigation records of a deputy examiner, a field examiner, or a private examiner acting as an

agent of the state examiner, except to:

(1) employees and members of the state board of accounts;

(2) the audit committee;

(3) law enforcement officers, the attorney general, a prosecuting attorney, or any other legal representative of the state in any action with respect to the misappropriation or diversion of public funds;

(4) an authorized representative of the United States;

(5) a successor examiner or auditor, in accordance with applicable professional auditing standards; or

(6) another individual for any other factor that constitutes good cause as set forth in criteria established by the state examiner and approved by the audit committee.

(j) An individual described in subsection (i)(3) or (i)(4) who receives examination workpapers and investigation records described in subsection (i) may divulge the workpapers and records in any action with respect to the misappropriation or diversion of public funds.

SECTION 14. IC 5-11-5-1.5, AS ADDED BY P.L.176-2017, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1.5. (a) As used in this section, "audited entity" includes only the following:

(1) A state agency (as defined in IC 4-13-1-1).

(2) A public hospital.

(3) A municipality.

(4) A body corporate and politic.

(5) A state educational institution.

(6) An entity to the extent that the entity is required to be examined under IC 5-11-1-9 or another law.

(b) If an examination report contains a finding that an audited entity failed to observe a uniform compliance guideline established under IC 5-11-1-24(a) or to comply with a specific law, the audited entity shall take action to address the audit finding.

(c) If a subsequent examination report of the audited entity contains a finding that is the same as or substantially similar to the finding contained in the previous examination report described in subsection (b), the public officer of the audited entity shall file a corrective action plan as a written response to the report under section 1(b) of this chapter.

(d) The state board of accounts shall create guidelines for use by an audited entity to establish a corrective action plan described in subsection (c). The guidelines must include a requirement that the issue that is the subject of a finding described in subsection (c) must be corrected not later than six (6) months after the date on which the corrective action plan is filed.

(e) After the successful completion of a corrective action plan by an audited entity that was required to file a corrective action plan under subsection (c), the audited entity shall notify the state board of accounts. The state board of accounts shall review each corrective action plan. If a corrective action plan is not implemented or the issue that is the subject of the finding is not corrected within six (6) months, the state board of accounts shall prepare a memorandum summarizing:

(1) the examination report finding;

(2) the corrective action plan;

(3) the manner by which the examination report finding was or was not addressed; and

(4) a recommended course of action.

(f) The state board of accounts shall present to the audit committee established by IC 2-5-1.1-6.3 a memorandum described in subsection (e). If the audit committee determines that further action should be taken, the audit committee may do any of the following:

(1) Request a written statement from the public officer of the audited entity.

(2) Request the personal attendance of the public officer of the audited entity at the next audit committee meeting.

(3) Request that the public officer of the audited entity take corrective action.

(4) Notify the:

(A) office of management and budget (in the case of an audited entity that is a state agency, a body corporate and politic, or a state educational institution); or

(B) officer or chief executive officer, legislative body, and fiscal body of the audited entity and the department of local government finance (in the case of any other audited entity);

that the audited entity refused to correct the audited entity's failure to observe a uniform compliance guideline established under

IC 5-11-1-24(a), or refused to comply with a specific law, with notice of the recommendation described in subsection (e)(4) published on the general assembly's Internet web site.

(5) Refer the facts drawn from the examination and the actions taken under this section for investigation and prosecution of a violation of IC 5-11-1-10 or IC 5-11-1-21 to the:

(A) inspector general, in the case of an audited entity that is a state agency, a body corporate and politic, or a state educational institution; or

(B) prosecuting attorney of the county in which a violation of IC 5-11-1-10 or IC 5-11-1-21 may have been committed, in the case of any other audited entity;

with notice of the referral published on the general assembly's Internet web site. Notice of a referral described in clause (B) must be sent to the officer or chief executive officer, legislative body, and fiscal body of the audited entity.

(6) Recommend that legislation be introduced in the general assembly to amend any statute under which the audited entity is found to be noncompliant.

(7) Recommend that the state board of accounts examine the audited entity within the calendar year following the year in which the audited entity was required to file a corrective action plan under subsection (c).

(g) When implementing this section, the state board of accounts may issue confidential management letters, based on professional auditing standards, to an audited entity in a situation involving noncompliance that does not result in the establishment of a corrective action plan but that must be brought to the attention of the audited entity's governing body.

SECTION 15. IC 5-11-13-1, AS AMENDED BY P.L.137-2012, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1. (a) ~~Every state, county, city, town, township, or school official, elective or appointive, who is the head of or in charge of any office, department, board, or commission of the state or of any county, city, town, or township, and every state, county, city, town, or township employee or agent who is the head of, or in charge of, or the executive officer of any department, bureau, board, or commission of~~

~~the state, county, city, town, or township, and every executive officer by whatever title designated, who is in charge of any state educational institution or of any other state, county, or city institution,~~ **As used in this section, "audited entity" includes only the following:**

(1) The state.

(2) A municipality.

(3) A state educational institution.

(b) Each audited entity shall during the month of January of each year prepare, make, and sign a certified report, correctly and completely showing the names and business addresses of ~~each and all~~ **the** officers, employees, and agents ~~in their respective offices, departments, boards, commissions, and institutions, and~~ **of the audited entity. The report shall indicate** the respective duties and compensation of each ~~and~~ **officer, employee, and agent of the audited entity. The audited entity** shall ~~forthwith~~ file ~~said~~ **the** report in the office of the state examiner of the state board of accounts. The report must also indicate whether the political subdivision offers a health plan, a pension, and other benefits to full-time and part-time employees. However, no more than one (1) report covering the same officers, employees, and agents need be made from the state or any county, city, town, township, or school unit in any one year. The certification must be filed electronically in the manner prescribed under IC 5-14-3.8-7.

~~(b)~~ **(c)** The department of local government finance may not approve the budget of a county, city, town, or township or a supplemental appropriation for a county, city, town, or township until the county, city, town, or township files an annual report under subsection ~~(a)~~ **(b)** for the preceding calendar year.

P.L.158-2020
[H.1111. Approved March 21, 2020.]

AN ACT to amend the Indiana Code concerning labor and safety.

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

SECTION 1. IC 22-4-11-3, AS AMENDED BY P.L.6-2012, SECTION 154, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 3. (a) The applicable schedule of rates for calendar years before January 1, 2011, shall be determined by the ratio resulting when the balance in the fund as of the determination date is divided by the total payroll of all subject employers for the immediately preceding calendar year. Schedule A, B, C, or D, appearing on the line opposite the fund ratio in the schedule below, shall be applicable in determining and assigning each employer's contribution rate for the calendar year immediately following the determination date. For the purposes of this subsection, "total payroll" means total remuneration reported by all contributing employers as required by this article and does not include the total payroll of any employer who elected to become liable for payments in lieu of contributions (as defined in IC 22-4-2-32). For the purposes of this subsection, "subject employers" means those employers who are subject to contribution.

FUND RATIO SCHEDULE

When the Fund Ratio Is:

As Much As	But Less Than	Applicable Schedule
	1.0%	A
1.0%	1.5%	B
1.5%	2.25%	C
2.25%		D

(b) Except as provided in subsection (c), the applicable schedule of rates for calendar years after December 31, 2010, **and before January**

1, 2021, shall be determined by the ratio resulting when the balance in the fund as of the determination date is divided by the total payroll of all subject employers for the immediately preceding calendar year. Schedules A through I appearing on the line opposite the fund ratio in the schedule below are applicable in determining and assigning each employer's contribution rate for the calendar year immediately following the determination date. For purposes of this subsection, "total payroll" means total remuneration reported by all contributing employers as required by this article and does not include the total payroll of any employer who elected to become liable for payments in lieu of contributions (as defined in IC 22-4-2-32). For purposes of this subsection, "subject employers" means those employers who are subject to contribution.

FUND RATIO SCHEDULE

When the Fund Ratio Is:

As Much As	But Less Than	Applicable Schedule
	0.2%	A
0.2%	0.4%	B
0.4%	0.6%	C
0.6%	0.8%	D
0.8%	1.0%	E
1.0%	1.2%	F
1.2%	1.4%	G
1.4%	1.6%	H
1.6%		I

(c) For calendar years 2011 through 2020, Schedule E applies in determining and assigning each employer's contribution rate.

(d) Except as provided in subsection (e), the applicable schedule of rates for calendar years after December 31, 2020, shall be determined by the ratio resulting when the balance in the fund as of the determination date is divided by the total payroll of all subject employers for the immediately preceding calendar year. Schedules A through E appearing on the line opposite the fund ratio in the schedule below are applicable in determining and assigning each employer's contribution rate for the calendar year immediately following the determination date. For purposes of this

subsection, "total payroll" means total remuneration reported by all contributing employers as required by this article and does not include the total payroll of any employer who elected to become liable for payments in lieu of contributions (as defined in IC 22-4-2-32). For purposes of this subsection, "subject employers" means those employers who are subject to contribution.

FUND RATIO SCHEDULE

When the Fund Ratio Is:

As Much As	But Less Than	Applicable Schedule
	0.6%	**A**
0.6%	**0.9%**	**B**
0.9%	**1.2%**	**C**
1.2%	**1.5%**	**D**
1.5%		**E**

(e) For calendar years 2021 through 2025, Schedule C applies in determining and assigning each employer's contribution rate.

~~(d)~~ **(f)** Any adjustment in the amount charged to any employer's experience account made subsequent to the assignment of rates of contributions for any calendar year shall not operate to alter the amount charged to the experience accounts of any other base-period employers.

SECTION 2. IC 22-4-11-3.5, AS AMENDED BY P.L.110-2010, SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 3.5. (a) For calendar years after 2010 **and before 2021,** if the conditions of section 2 of this chapter are met, the rate of contributions shall be determined and assigned, with respect to each calendar year, to employers whose accounts have a credit balance and who are therefore eligible according to each employer's credit reserve ratio. Each employer shall be assigned the contribution rate appearing in the applicable schedule A through I on the line opposite the employer's credit reserve ratio as set forth in the rate schedule below:

RATE SCHEDULE FOR ACCOUNTS
WITH CREDIT BALANCES

When the Credit Reserve Ratio Is:

As	But	Rate Schedules

Much As	Less Than	A	B	C	D	E
				(%)		
3.00		0.75	0.70	0.70	0.60	0.50
2.80	3.00	1.00	0.90	0.90	0.80	0.70
2.60	2.80	1.30	1.20	1.10	1.00	0.90
2.40	2.60	1.60	1.50	1.40	1.30	1.20
2.20	2.40	1.90	1.80	1.70	1.50	1.40
2.00	2.20	2.20	2.00	1.90	1.80	1.60
1.80	2.00	2.50	2.30	2.20	2.00	1.80
1.60	1.80	2.80	2.60	2.40	2.20	2.00
1.40	1.60	3.10	2.90	2.70	2.50	2.30
1.20	1.40	3.40	3.20	3.00	2.70	2.50
1.00	1.20	3.70	3.40	3.20	3.00	2.70
0.80	1.00	4.00	3.70	3.50	3.20	2.90
0.60	0.80	4.30	4.00	3.70	3.40	3.10
0.40	0.60	4.60	4.30	4.00	3.70	3.40
0.20	0.40	4.90	4.60	4.30	3.90	3.60
0.00	0.20	5.20	4.80	4.50	4.20	3.80

RATE SCHEDULE FOR ACCOUNTS
WITH CREDIT BALANCES

When the Credit Reserve Ratio Is:

As Much As	But Less Than	F	G	H	I
		Rate Schedules (%)			
3.00		0.40	0.40	0.30	0.00
2.80	3.00	0.60	0.50	0.40	0.00
2.60	2.80	0.80	0.70	0.60	0.10
2.40	2.60	1.10	1.00	0.90	0.10
2.20	2.40	1.30	1.20	1.00	0.10
2.00	2.20	1.40	1.20	1.00	0.10
1.80	2.00	1.60	1.40	1.20	0.10
1.60	1.80	1.80	1.60	1.40	0.20
1.40	1.60	2.10	1.90	1.70	0.20
1.20	1.40	2.20	2.00	1.70	0.20
1.00	1.20	2.40	2.10	1.80	0.20
0.80	1.00	2.60	2.30	2.00	0.20
0.60	0.80	2.80	2.50	2.20	0.20

0.40	0.60	3.10	2.80	2.40	0.30
0.20	0.40	3.20	2.80	2.40	0.30
0.00	0.20	3.40	3.00	2.60	0.30

(b) For calendar years after 2010 **and before 2021,** if the conditions of section 2 of this chapter are met, the rate of contributions shall be determined and assigned, with respect to each calendar year, to employers whose accounts have a debit balance and who are therefore eligible according to each employer's debit reserve ratio. Each employer shall be assigned the contribution rate appearing in the applicable schedule A through I on the line opposite the employer's debit reserve ratio as set forth in the rate schedule below:

RATE SCHEDULE FOR ACCOUNTS
WITH DEBIT BALANCES

When the Debit Reserve Ratio Is:

As Much As	But Less Than	Rate Schedules (%) A	B	C	D	E
0.00	1.50	6.75	6.30	5.90	5.40	4.90
1.50	3.00	7.00	6.50	6.10	5.60	5.10
3.00	4.50	7.25	6.70	6.30	5.80	5.30
4.50	6.00	7.50	7.00	6.50	6.00	5.50
6.00	8.00	7.75	7.20	6.70	6.20	5.70
8.00	10.00	8.25	7.70	7.20	6.60	6.00
10.00	12.00	8.75	8.10	7.60	7.00	6.40
12.00	14.00	9.25	8.60	8.00	7.40	6.80
14.00	16.00	9.75	9.10	8.50	7.80	7.10
16.00		10.20	9.50	8.90	8.20	7.40

RATE SCHEDULE FOR ACCOUNTS
WITH DEBIT BALANCES

When the Debit Reserve Ratio Is:

As Much As	But Less Than	Rate Schedules (%) F	G	H	I
0.00	1.50	4.40	3.90	3.40	0.40
1.50	3.00	4.60	4.10	3.60	0.40
3.00	4.50	4.80	4.30	3.80	0.40
4.50	6.00	4.90	4.40	3.80	0.40

6.00	8.00	5.10	4.50	3.90	0.40
8.00	10.00	5.40	4.80	4.20	0.50
10.00	12.00	5.80	5.20	4.50	0.50
12.00	14.00	6.10	5.40	4.70	0.50
14.00	16.00	6.40	5.70	5.00	0.50
16.00		6.70	6.00	5.40	5.40

SECTION 3. IC 22-4-11-3.7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 3.7. (a) For calendar years after 2020, if the conditions of section 2 of this chapter are met, the rate of contributions shall be determined and assigned, with respect to each calendar year, to employers whose accounts have a credit balance and who are therefore eligible according to each employer's credit reserve ratio. Each employer shall be assigned the contribution rate appearing in the applicable Schedule A through E on the line opposite the employer's credit reserve ratio as set forth in the rate schedule below:**

RATE SCHEDULE FOR ACCOUNTS WITH CREDIT BALANCES

When the Credit Reserve Ratio Is:

As Much As	**But Less Than**	**Rate Schedules (%)**				
		A	**B**	**C**	**D**	**E**
3.00		**0.75**	**0.70**	**0.50**	**0.40**	**0.20**
2.80	**3.00**	**1.00**	**0.90**	**0.70**	**0.50**	**0.30**
2.60	**2.80**	**1.30**	**1.10**	**0.90**	**0.70**	**0.30**
2.40	**2.60**	**1.60**	**1.40**	**1.20**	**1.00**	**0.50**
2.20	**2.40**	**1.90**	**1.70**	**1.40**	**1.20**	**0.60**
2.00	**2.20**	**2.20**	**1.90**	**1.60**	**1.20**	**0.60**
1.80	**2.00**	**2.50**	**2.20**	**1.80**	**1.40**	**0.80**
1.60	**1.80**	**2.80**	**2.40**	**2.00**	**1.60**	**1.00**
1.40	**1.60**	**3.10**	**2.70**	**2.30**	**1.90**	**1.30**
1.20	**1.40**	**3.40**	**3.00**	**2.50**	**2.00**	**1.40**
1.00	**1.20**	**3.70**	**3.20**	**2.70**	**2.10**	**1.50**
0.80	**1.00**	**4.00**	**3.50**	**2.90**	**2.30**	**1.70**
0.60	**0.80**	**4.30**	**3.70**	**3.10**	**2.50**	**1.90**
0.40	**0.60**	**4.60**	**4.00**	**3.40**	**2.80**	**2.00**

0.20	**0.40**	**4.90**	**4.30**	**3.60**	**2.80**	**2.00**
0.00	**0.20**	**5.20**	**4.50**	**3.80**	**3.00**	**2.20**

(b) For calendar years after 2020, if the conditions of section 2 of this chapter are met, the rate of contributions shall be determined and assigned, with respect to each calendar year, to employers whose accounts have a debit balance and who are therefore eligible according to each employer's debit reserve ratio. Each employer shall be assigned the contribution rate appearing in the applicable Schedule A through E on the line opposite the employer's debit reserve ratio as set forth in the rate schedule below:

RATE SCHEDULE FOR ACCOUNTS WITH DEBIT BALANCES

When the Debit Reserve Ratio Is:

As Much As	**But Less Than**	**Rate Schedules (%)**				
		A	**B**	**C**	**D**	**E**
0.00	**1.50**	**6.75**	**5.90**	**4.90**	**3.90**	**3.20**
1.50	**3.00**	**7.00**	**6.10**	**5.10**	**4.10**	**3.40**
3.00	**4.50**	**7.25**	**6.30**	**5.30**	**4.30**	**3.60**
4.50	**6.00**	**7.50**	**6.50**	**5.50**	**4.40**	**3.80**
6.00	**8.00**	**7.75**	**6.70**	**5.70**	**4.50**	**3.90**
8.00	**10.00**	**8.25**	**7.20**	**6.00**	**4.80**	**4.10**
10.00	**12.00**	**8.75**	**7.60**	**6.40**	**5.20**	**4.40**
12.00	**14.00**	**9.25**	**8.00**	**6.80**	**5.40**	**4.60**
14.00	**16.00**	**9.75**	**8.50**	**7.10**	**5.70**	**5.00**
16.00		**10.20**	**8.90**	**7.40**	**6.00**	**5.40**

P.L.159-2020
[H.1113. Approved March 21, 2020.]

AN ACT to amend the Indiana Code concerning taxation.

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

SECTION 1. IC 5-1-18-6, AS AMENDED BY P.L.137-2012, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 6. A political subdivision that issues bonds or enters into a lease after December 31, 2005, shall supply the department with a debt issuance report not later than:

(1) one (1) month after the date on which the bonds are issued or the lease is executed, **if the bonds are issued or the lease is executed before October 1; or**

(2) five (5) business days after the date on which the bonds are issued or the lease is executed, if the bonds are issued or the lease is executed after September 30.

SECTION 2. IC 5-1.2-4.5-2, AS ADDED BY P.L.108-2019, SECTION 82, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE MAY 1, 2020]: Sec. 2. (a) This section applies to:

(1) a public-private agreement to which the authority is a party under IC 8-15.5 and that is originally entered into after May 1, 2019; **and**

(2) any other agreement to which the authority or the state is a party under any provision of the Indiana Code, other than IC 8-15.5, that would increase revenue as the result of the sale or lease of a state asset, or a grant of a license to operate a state asset, and that is entered into after May 1, 2020.

(b) If:

(1) an extension or an amendment to a public-private agreement **described in subsection (a)(1)** would increase the amount to be:

~~(1)~~ **(A)** paid by the authority to the operator, another private entity, or a governmental entity by at least one hundred million dollars ($100,000,000); or

~~(2)~~ **(B)** received by the operator or a party related to the operator by at least one hundred million dollars ($100,000,000); **or**

(2) an agreement described in subsection (a)(2) would increase revenue by at least one hundred million dollars ($100,000,000) as the result of the sale or lease of a state asset, or a grant of a license to operate a state asset;

the authority **or the state** shall submit the proposed extension or amendment to the public-private agreement **described in subdivision (1) or the proposed agreement described in subdivision (2)** to the budget committee established by IC 4-12-1-3 for its review.

(c) The budget committee may request that the authority, ~~or~~ the department of transportation, or both, **or the state, as applicable,** appear at a public meeting of the budget committee concerning the proposed extension or amendment to the public-private agreement **described in subsection (a)(1) or the proposed agreement described in subsection (a)(2).** The authority **or the state** may not enter into any extension or amendment to the public-private agreement **described in subsection (a)(1) or the proposed agreement described in subsection (a)(2)** until after the budget committee has reviewed the proposed extension or amendment **to the public-private agreement described in subsection (a)(1) or the proposed agreement described in subsection (a)(2).**

SECTION 3. IC 6-1.1-2-8, AS ADDED BY P.L.220-2011, SECTION 117, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 8. (a) IC 6-1.1-1-3, as amended by P.L.6-1997, and all changes in tax rates, deductions, and limits on indebtedness made by P.L.6-1997 apply only to budget years and property taxes first due and payable after December 31, 2001.

(b) For the purpose of computing:

(1) the ~~assessed value~~ **maximum levy** growth quotient under IC 6-1.1-18.5-2; and

(2) any other value that requires the use of an assessed value from a date before March 1, 2001;

for a budgetary appropriation, state distribution, or property tax levy first due and payable after December 31, 2001, the assessed value from a date before March 1, 2001, must first be increased from thirty-three and thirty-three hundredths percent (33.33%) of true tax value to one hundred percent (100%) of true tax value before the computation is made.

(c) For the purpose of computing:

(1) a tax rate under IC 6-1.1-19-1.5 (before its repeal); and

(2) any other value that requires the use of a tax rate from a date before March 1, 2001;

for a budgetary appropriation, state distribution, or property tax levy first due and payable after December 31, 2001, a tax rate from a date before January 1, 2002, must first be reduced by dividing the tax rate by three (3) before the computation is made.

(d) The ~~state board~~ **department** of ~~tax commissioners~~ **local government finance** shall adjust the tax rates of all taxing units to eliminate the effects of changing assessed values from thirty-three and thirty-three hundredths percent (33.33%) of true tax value to one hundred percent (100%) of true tax value.

(e) If a maximum property tax rate that was enacted before 1997 is not amended by P.L.6-1997, the ~~state board~~ **department** of ~~tax commissioners~~ **local government finance** shall adjust the maximum tax rate to eliminate the effects of changing assessed values from thirty-three and thirty-three hundredths percent (33.33%) of true tax value to one hundred percent (100%) of true tax value.

(f) The state board of tax commissioners shall prepare the initial schedule of adjusted assessed values for all political subdivisions under IC 36-1-15, as added by P.L.6-1997, not later than July 1, 2001.

(g) It is the intent of the general assembly that all adjustments necessary to implement IC 6-1.1-1-3, as amended by P.L.6-1997, be made without raising the revenues available to governmental units more than would have occurred if P.L.6-1997 were not enacted. The ~~state board~~ **department** of ~~tax commissioners~~ **local government finance** shall provide fiscal officers in the taxing units, assessing officials, and members of the board of tax adjustment with instructions on how to implement this section.

(h) If a statute that imposes an assessed value limitation on the

aggregate amount of bonds that a political subdivision may issue that was enacted before 1997 is not amended by P.L.6-1997, the ~~state board~~ **department** of ~~tax commissioners~~ **local government finance** shall adjust the assessed value limitation to eliminate the effects of changing assessed values from thirty-three and thirty-three hundredths percent (33.33%) of true tax value to one hundred percent (100%) of true tax value.

(i) The ~~state board~~ **department** of ~~tax commissioners~~ **local government finance** shall, if necessary to protect owners of bonds payable in whole or in part from tax increment, adjust the base assessed value to neutralize the effect of changing assessed values under P.L.6-1997 from thirty-three and thirty-three hundredths percent (33.33%) of true tax value to one hundred percent (100%) of true tax value under the following statutes:

(1) IC 6-1.1-39.
(2) IC 8-22-3.5.
(3) IC 36-7-14.
(4) IC 36-7-14.5.
(5) IC 36-7-15.1.
(6) IC 36-7-30.

SECTION 4. IC 6-1.1-3-22, AS AMENDED BY P.L.245-2015, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 22. (a) Except to the extent that it conflicts with a statute and subject to subsection (f), 50 IAC 4.2 (as in effect January 1, 2001), which was formerly incorporated by reference into this section, is reinstated as a rule.

(b) Tangible personal property within the scope of 50 IAC 4.2 (as in effect January 1, 2001) shall be assessed on the assessment dates in calendar years 2003 and thereafter in conformity with 50 IAC 4.2 (as in effect January 1, 2001).

(c) The publisher of the Indiana Administrative Code shall publish 50 IAC 4.2 (as in effect January 1, 2001) in the Indiana Administrative Code.

(d) 50 IAC 4.3 and any other rule to the extent that it conflicts with this section is void.

(e) A reference in 50 IAC 4.2 to a governmental entity that has been terminated or a statute that has been repealed or amended shall be

treated as a reference to its successor.

(f) The department of local government finance may not amend or repeal the following (all as in effect January 1, 2001):

(1) 50 IAC 4.2-4-3(f).
(2) 50 IAC 4.2-4-7.
(3) 50 IAC 4.2-4-9.
(4) 50 IAC 4.2-5-7.
(5) 50 IAC 4.2-5-13.
(6) 50 IAC 4.2-6-1.
(7) 50 IAC 4.2-6-2.
(8) 50 IAC 4.2-8-9.

However, the department of local government finance may amend these rules to conform with statutory changes.

(g) Notwithstanding any other provision of this section, 50 IAC 4.2-4-6(c) is void effective July 1, 2015. The publisher of the Indiana Administrative Code and the Indiana Register shall remove this provision from the Indiana Administrative Code.

SECTION 5. IC 6-1.1-4-19.5, AS AMENDED BY P.L.257-2019, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 19.5. (a) The department of local government finance shall develop a standard contract or standard provisions for contracts to be used in securing professional appraising services.

(b) The standard contract or contract provisions must contain:

(1) a fixed date by which the professional appraiser or appraisal firm shall have completed all responsibilities under the contract;
(2) a penalty clause under which the amount to be paid for appraisal services is decreased for failure to complete specified services within the specified time;
(3) a provision requiring the appraiser, or appraisal firm, to make periodic reports to the county assessor;
(4) a provision stipulating the manner in which, and the time intervals at which, the periodic reports referred to in subdivision (3) of this subsection are to be made;
(5) a precise stipulation of what service or services are to be provided and what class or classes of property are to be appraised;
(6) a provision stipulating that the contractor will generate

complete parcel characteristics and parcel assessment data in a manner and format acceptable to the legislative services agency and the department of local government finance;

(7) a provision stipulating that the ~~legislative services agency and the~~ department of local government finance ~~have~~ **has** unrestricted access to the contractor's work product under the contract; and

(8) a provision stating that the contract is void and unenforceable if the appraiser is not certified by the department of local government finance on the date that the contract is executed or the department of local government finance subsequently revokes the professional appraiser's certification under IC 6-1.1-31.7-4 after the contract is executed.

The department of local government finance may devise other necessary provisions for the contracts in order to give effect to this chapter.

(c) In order to comply with the duties assigned to it by this section, the department of local government finance may develop:

(1) one (1) or more model contracts;

(2) one (1) contract with alternate provisions; or

(3) any combination of subdivisions (1) and (2).

The department may approve special contract language in order to meet any unusual situations.

SECTION 6. IC 6-1.1-4-25, AS AMENDED BY P.L.273-2019, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 25. (a) Each township assessor and each county assessor shall keep the assessor's reassessment data and records current by securing the necessary field data and by making changes in the assessed value of real property as changes occur in the use of the real property. The township or county assessor's records shall at all times show the assessed value of real property in accordance with this chapter. The township assessor shall ensure that the county assessor has full access to the assessment records maintained by the township assessor.

(b) The county assessor shall:

(1) maintain an electronic data file of:

(A) the parcel characteristics and parcel assessments of all parcels; and

(B) the personal property return characteristics and

assessments by return;

for each township in the county as of each assessment date;

(2) maintain the electronic file in a form that formats the information in the file with the standard data, field, and record coding required and approved by:

(A) the legislative services agency; and

(B) the department of local government finance; and

(3) before September 1 of each year, transmit the data in the file with respect to the assessment date of that year to

~~(A) the legislative services agency; and~~

~~(B)~~ the department of local government finance.

(c) The appropriate county officer, as designated by the county executive, shall:

(1) maintain an electronic data file of the geographic information system characteristics of each parcel for each township in the county as of each assessment date;

(2) maintain the electronic file in a form that formats the information in the file with the standard data, field, and record coding required and approved by the office of technology; and

(3) before September 1 of each year, transmit the data in the file with respect to the assessment date of that year to the geographic information office of the office of technology.

(d) An assessor under subsection (b) and an appropriate county officer under subsection (c) shall do the following:

(1) Transmit the data in a manner that meets the data export and transmission requirements in a standard format, as prescribed by the office of technology established by IC 4-13.1-2-1 and approved by the legislative services agency.

(2) Resubmit the data in the form and manner required under subsection (b) or (c) upon request of the legislative services agency, the department of local government finance, or the geographic information office of the office of technology, as applicable, if data previously submitted under subsection (b) or (c) does not comply with the requirements of subsection (b) or (c), as determined by the legislative services agency, the department of local government finance, or the geographic information office of the office of technology, as applicable.

An electronic data file maintained for a particular assessment date may not be overwritten with data for a subsequent assessment date until a copy of an electronic data file that preserves the data for the particular assessment date is archived in the manner prescribed by the office of technology established by IC 4-13.1-2-1 and approved by the legislative services agency.

SECTION 7. IC 6-1.1-4-42, AS ADDED BY P.L.182-2009(ss), SECTION 89, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2020 (RETROACTIVE)]: Sec. 42. (a) This section applies to assessment dates after January 15, 2010.

(b) ~~As used in~~ **The following definitions apply throughout** this section:

(1) "Golf course" means an area of land ~~and yard improvements that are~~ predominately used to play the game of golf **and associated yard improvements.** A golf course consists of a series of holes, each consisting of a teeing area, fairway, rough and other hazards, and the green with the pin and cup.

(2) "Yard improvements" include a clubhouse, irrigation systems, a pro shop, a maintenance building, a driving range, a structure for food and beverage services, or other buildings associated with the operation of and included in the net operating income of a golf course.

(c) The true tax value of real property regularly used as a golf course is the valuation determined by applying the income capitalization appraisal approach. The income capitalization approach used to determine the true tax value of a golf course must:

(1) incorporate an applicable income capitalization method and appropriate capitalization rates that are developed and used in computations that lead to an indication of value commensurate with the risks for the subject property use;

(2) provide for the uniform and equal assessment of golf courses; ~~of similar grade quality and play length;~~ and

(3) exclude the value of personal property, intangible property, and income derived from personal or intangible property.

(d) For assessment dates after January 15, 2010, and before March 1, 2012, a township assessor (if any) or the county assessor shall gather and process information from the owner of a golf course to carry out

this section in accordance with the rules adopted by the department of local government finance under IC 4-22-2.

(e) For assessment dates after February 28, 2012, the department of local government finance shall, by rules adopted under IC 4-22-2, establish uniform income capitalization ~~tables and~~ **rates annually and** procedures to be used for the assessment of golf courses. The department of local government finance may rely on ~~analysis conducted by a state educational institution to develop the income capitalization tables and procedures required under this section.~~ **recognized sources of industry capitalization rates.** Assessing officials shall use the ~~tables and~~ procedures adopted by the department of local government finance to assess, reassess, and annually adjust the assessed value of golf courses.

(f) The department of local government finance may prescribe procedures, forms, and due dates for the collection from the owners or operators of golf courses of the necessary earnings, income, profits, losses, and expenditures data necessary to carry out this section. An owner or operator of a golf course shall comply with the procedures and reporting schedules prescribed by the department of local government finance.

(g) On or before December 31 of each year, assessing officials shall solicit, and the owners or operators of a golf course shall provide to the assessing officials, data for the gross income and allowable operating expenses for the three (3) years immediately preceding the year in which the solicitation and submission of data is being made. Assessing officials may use federal tax returns or other similar evidence as verification that the submissions are correct.

(h) For each assessment date, assessing officials shall examine and evaluate the three (3) consecutive years of financial records and federal tax returns that are submitted under subsection (g) in the year immediately preceding the year of the assessment date to obtain the average net operating income. The three (3) year average should include the most current completed financial records and filed federal tax returns of the golf course as of the assessment date to ensure that the appropriate income and expense information for the subject property is used.

(i) All income and expense information provided to the assessing official under this section is confidential under IC 6-1.1-35-9.

SECTION 8. IC 6-1.1-5.5-3, AS AMENDED BY P.L.111-2014, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 3. (a) For purposes of this section, "party" includes:

(1) a seller of property that is exempt under the seller's ownership; or

(2) a purchaser of property that is exempt under the purchaser's ownership;

from property taxes under IC 6-1.1-10.

(b) Subject to subsections (g) and (h), before filing a conveyance document with the county auditor under IC 6-1.1-5-4, all the parties to the conveyance must do the following:

(1) Complete and sign a sales disclosure form as prescribed by the department of local government finance under section 5 of this chapter. All the parties may sign one (1) form, or if all the parties do not agree on the information to be included on the completed form, each party may sign and file a separate form. For conveyance transactions involving more than two (2) parties, one (1) transferor and one (1) transferee signing the sales disclosure form is sufficient.

(2) Before filing a sales disclosure form with the county auditor, submit the sales disclosure form to the county assessor. The county assessor must review the accuracy and completeness of each sales disclosure form submitted immediately upon receipt of the form and, if the form is accurate and complete, stamp or otherwise approve the form as eligible for filing with the county auditor and return the form to the appropriate party for filing with the county auditor. If multiple forms are filed in a short period, the county assessor shall process the forms as quickly as possible. For purposes of this subdivision, a sales disclosure form is considered to be accurate and complete if:

(A) the county assessor does not have substantial evidence when the form is reviewed under this subdivision that information in the form is inaccurate; and

(B) both of the following conditions are satisfied:

(i) The form contains the information required by section 5(a)(1) through 5(a)(16) of this chapter as that section applies to the conveyance transaction, subject to the obligation of a party to furnish or correct that information in the manner required by and subject to the penalty provisions of section 12 of this chapter. The form may not be rejected for failure to contain information other than that required by section 5(a)(1) through 5(a)(16) of this chapter.

(ii) The form is submitted to the county assessor in a format usable to the county assessor.

(3) File the sales disclosure form with the county auditor.

(c) The auditor shall review each sales disclosure form and process any deduction for which the form serves as an application under IC 6-1.1-12-44. The auditor shall forward each sales disclosure form to the county assessor. The county assessor shall verify the assessed valuation of the property for the assessment date to which the application applies and transmit that assessed valuation to the auditor. The county assessor shall retain the forms for five (5) years. The county assessor shall forward the sales disclosure form data to the department of local government finance ~~and the legislative services agency~~ in an electronic format specified ~~jointly~~ by the department of local government finance ~~and the legislative services agency~~ on or before April 1 in a year ending before January 1, 2016, and on or before February 1 in a year beginning after December 31, 2015. The county assessor shall forward a copy of the sales disclosure forms to the township assessors in the county. **The department of local government finance shall make sales disclosure form data received from a county assessor available to the legislative services agency.** The forms may be used by the county assessing officials, the department of local government finance, and the legislative services agency for the purposes established in IC 6-1.1-4-13.6, sales ratio studies, equalization, adoption of rules under IC 6-1.1-31-3 and IC 6-1.1-31-6, and any other authorized purpose.

(d) In a county containing a consolidated city, the auditor shall review each sales disclosure form and process any deduction for which the form serves as an application under IC 6-1.1-12-44. The auditor shall forward the sales disclosure form to the appropriate township

assessor (if any). The township assessor shall verify the assessed valuation of the property for the assessment date to which the application applies and transmit that assessed valuation to the auditor. The township or county assessor shall forward the sales disclosure form to the department of local government finance ~~and the legislative services agency~~ in an electronic format specified ~~jointly~~ by the department of local government finance. ~~and the legislative services agency.~~ **The department of local government finance shall make sales disclosure form data received from a township or county assessor available to the legislative services agency.** The forms may be used by the county assessing officials, the county auditor, the department of local government finance, and the legislative services agency for the purposes established in IC 6-1.1-4-13.6, sales ratio studies, equalization, adoption of rules under IC 6-1.1-31-3 and IC 6-1.1-31-6, and any other authorized purpose.

(e) If a sales disclosure form includes the telephone number or Social Security number of a party, the telephone number or Social Security number is confidential.

(f) County assessing officials, county auditors, and other local officials may not establish procedures or requirements concerning sales disclosure forms that substantially differ from the procedures and requirements of this chapter.

(g) Except as provided in subsection (h), a separate sales disclosure form is required for each parcel conveyed, regardless of whether more than one (1) parcel is conveyed under a single conveyance document.

(h) Only one (1) sales disclosure form is required for the conveyance under a single conveyance document of two (2) or more contiguous parcels located entirely within a single taxing district.

SECTION 9. IC 6-1.1-5.5-5, AS AMENDED BY P.L.87-2009, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 5. (a) The department of local government finance shall prescribe a sales disclosure form for use under this chapter. The form prescribed by the department of local government finance must include at least the following information:

(1) The key number (as defined in IC 6-1.1-1-8.5) of each parcel.

(2) With respect to each parcel, whether the entire parcel is being conveyed.

(3) The address of each improved parcel.
(4) The date of the execution of the form.
(5) The date the property was transferred.
(6) Whether the transfer includes an interest in land or improvements, or both.
(7) Whether the transfer includes personal property.
(8) An estimate of the value of any personal property included in the transfer.
(9) The name, address, and telephone number of:
(A) each transferor and transferee; and
(B) the person that prepared the form.
(10) The mailing address to which the property tax bills or other official correspondence should be sent.
(11) The ownership interest transferred.
(12) The classification of the property (as residential, commercial, industrial, agricultural, vacant land, or other).
(13) Subject to subsection (c), the total price actually paid or required to be paid in exchange for the conveyance, whether in terms of money, property, a service, an agreement, or other consideration, but excluding tax payments and payments for legal and other services that are incidental to the conveyance.
(14) The terms of seller provided financing. ~~such as interest rate, points, type of loan, amount of loan, and amortization period, and whether the borrower is personally liable for repayment of the loan.~~
(15) Any family or business relationship existing between the transferor and the transferee.
(16) A legal description of each parcel subject to the conveyance.
(17) Whether the transferee is using the form to claim one (1) or more deductions under IC 6-1.1-12-44 for property taxes first due and payable in a calendar year after 2008.
(18) If the transferee uses the form to claim the standard deduction under IC 6-1.1-12-37, the information required for a standard deduction under IC 6-1.1-12-37.
(19) Sufficient instructions and information to permit a party to terminate a standard deduction under IC 6-1.1-12-37 on any parcel of property on which the party or the spouse of the party will no

longer be eligible for the standard deduction under IC 6-1.1-12-37 after the party or the party's spouse begins to reside at the property that is the subject of the sales disclosure form, including an explanation of the tax consequences and applicable penalties if a party unlawfully claims a standard deduction under IC 6-1.1-12-37.

(20) Other information as required by the department of local government finance to carry out this chapter.

If a form under this section includes the telephone number or part or all of the Social Security number of a party, the telephone number or the Social Security number is confidential.

(b) The instructions for completing the form described in subsection (a) must include the information described in IC 6-1.1-12-43(c)(1).

(c) If the conveyance includes more than one (1) parcel as described in section 3(h) of this chapter, the form:

(1) is not required to include the price referred to in subsection (a)(13) for each of the parcels subject to the conveyance; and

(2) may state a single combined price for all of those parcels.

SECTION 10. IC 6-1.1-8.5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 2. As used in this chapter, "industrial facility" means a company's real property that:

(1) has been classified as industrial property under the rules of the department of local government finance; and

(2) has a true tax value, as estimated by the department, of at least ~~twenty-five~~ **thirty-five** million dollars ~~($25,000,000)~~ **($35,000,000)** in a qualifying county.

The term includes real property that is used under an agreement under which the user exercises the beneficial rights of ownership for the majority of a year. The term does not include real property assessed under IC 6-1.1-8.

SECTION 11. IC 6-1.1-8.5-8, AS AMENDED BY P.L.86-2018, SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 8. (a) For purposes of:

(1) a reassessment of a group of parcels under a county's reassessment plan prepared under IC 6-1.1-4-4.2; or

(2) a new assessment;

the department of local government finance shall assess each industrial

facility in a qualifying county.

(b) The following may not assess an industrial facility in a qualifying county:

(1) A county assessor.

(2) A township assessor.

~~(2)~~ **(3)** An assessing official.

(4) A vendor under contract with a county assessor or township assessor.

~~(3)~~ **(5)** A county property tax assessment board of appeals.

SECTION 12. IC 6-1.1-8.5-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 9. The county assessor **and the township assessors, if any,** of the qualifying county in which an industrial facility is located shall provide support to the assessor of the department of local government finance during the course of the assessment of the industrial facility.

SECTION 13. IC 6-1.1-8.7-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 2. As used in this chapter, "industrial facility" means a company's real property that:

(1) has been classified as industrial property under the rules of the department; and

(2) has a true tax value, as estimated by the department, of at least ~~twenty-five~~ **thirty-five** million dollars ~~($25,000,000)~~ **($35,000,000)** in a county.

The term includes real property that is used under an agreement under which the user exercises the beneficial rights of ownership for the majority of a year. The term does not include real property assessed under IC 6-1.1-8.

SECTION 14. IC 6-1.1-8.7-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 6. The county assessor **and the township assessors, if any,** of the county in which the industrial facility is located shall provide support to the department's assessor during the course of the assessment of an industrial facility.

SECTION 15. IC 6-1.1-11-4, AS AMENDED BY P.L.86-2018, SECTION 41, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 4. (a) The exemption application referred to in section 3 of this chapter is not required if the exempt property is owned by the United States, the state, an agency of this

state, or a political subdivision (as defined in IC 36-1-2-13). However, this subsection applies only when the property is used, and in the case of real property occupied, by the owner.

(b) The exemption application referred to in section 3 of this chapter is not required if the exempt property is a cemetery:

(1) described by IC 6-1.1-2-7; or

(2) maintained by a township executive under IC 23-14-68.

(c) The exemption application referred to in section 3 of this chapter is not required if the exempt property is owned by the bureau of motor vehicles commission established under IC 9-14-9.

(d) The exemption application referred to in section 3 or 3.5 of this chapter is not required if:

(1) the exempt property is:

(A) tangible property used for religious purposes described in IC 6-1.1-10-21;

(B) tangible property owned by a church or religious society used for educational purposes described in IC 6-1.1-10-16;

(C) other tangible property owned, occupied, and used by a person for educational, literary, scientific, religious, or charitable purposes described in IC 6-1.1-10-16; or

(D) other tangible property owned by a fraternity or sorority (as defined in IC 6-1.1-10-24);

(2) the exemption application referred to in section 3 or 3.5 of this chapter was filed properly at least once for a religious use under IC 6-1.1-10-21, an educational, literary, scientific, religious, or charitable use under IC 6-1.1-10-16, or use by a fraternity or sorority under IC 6-1.1-10-24; and

(3) the property continues to meet the requirements for an exemption under IC 6-1.1-10-16, IC 6-1.1-10-21, or IC 6-1.1-10-24.

(e) If, after an assessment date, an exempt property is transferred or its use is changed resulting in its ineligibility for an exemption under IC 6-1.1-10, the county assessor shall terminate the exemption for ~~that~~ **the next** assessment date. However, if the property remains eligible for an exemption under IC 6-1.1-10 following the transfer or change in use, the exemption shall be left in place for that assessment date. For the following assessment date, the person that obtained the exemption or

the current owner of the property, as applicable, shall, under section 3 of this chapter and except as provided in this section, file a certified application in duplicate with the county assessor of the county in which the property that is the subject of the exemption is located. In all cases, the person that obtained the exemption or the current owner of the property shall notify the county assessor for the county where the tangible property is located of the change in ownership or use in the year that the change occurs. The notice must be in the form prescribed by the department of local government finance.

(f) If the county assessor discovers that title to or use of property granted an exemption under IC 6-1.1-10 has changed, the county assessor shall notify the persons entitled to a tax statement under IC 6-1.1-22-8.1 for the property of the change in title or use and indicate that the county auditor will suspend the exemption for the property until the persons provide the county assessor with an affidavit, signed under penalties of perjury, that identifies the new owners or use of the property and indicates whether the property continues to meet the requirements for an exemption under IC 6-1.1-10. Upon receipt of the affidavit, the county assessor shall reinstate the exemption under IC 6-1.1-15-12.1. However, a claim under IC 6-1.1-26-1.1 for a refund of all or a part of a tax installment paid and any correction of error under IC 6-1.1-15-12.1 must be filed not later than three (3) years after the taxes are first due.

SECTION 16. IC 6-1.1-12-9, AS AMENDED BY P.L.114-2019, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. (a) An individual may obtain a deduction from the assessed value of the individual's real property, or mobile home or manufactured home which is not assessed as real property, if:

(1) the individual is at least sixty-five (65) years of age on or before December 31 of the calendar year preceding the year in which the deduction is claimed;

(2) for assessment dates before January 1, 2020, the combined adjusted gross income (as defined in Section 62 of the Internal Revenue Code) of:

(A) the individual and the individual's spouse; or

(B) the individual and all other individuals with whom:

(i) the individual shares ownership; or

(ii) the individual is purchasing the property under a contract;

as joint tenants or tenants in common;

for the calendar year preceding the year in which the deduction is claimed did not exceed twenty-five thousand dollars ($25,000);

(3) for assessment dates after December 31, 2019:

(A) the individual had, in the case of an individual who filed a single return, adjusted gross income (as defined in Section 62 of the Internal Revenue Code) not exceeding thirty thousand dollars ($30,000);

(B) the individual had, in the case of an individual who filed a joint income tax return with the individual's spouse, combined adjusted gross income (as defined in Section 62 of the Internal Revenue Code) not exceeding forty thousand dollars ($40,000); or

(C) the combined adjusted gross income (as defined in Section 62 of the Internal Revenue Code) of the individual and all other individuals with whom:

(i) the individual shares ownership; or

(ii) the individual is purchasing the property under a contract;

as joint tenants or tenants in common did not exceed forty thousand dollars ($40,000);

for the calendar year preceding by two (2) years the calendar year in which the property taxes are first due and payable;

(4) the individual has owned the real property, mobile home, or manufactured home for at least one (1) year before claiming the deduction; or the individual has been buying the real property, mobile home, or manufactured home under a contract that provides that the individual is to pay the property taxes on the real property, mobile home, or manufactured home for at least one (1) year before claiming the deduction, and the contract or a memorandum of the contract is recorded in the county recorder's office;

(5) for assessment dates:

(A) before January 1, 2020, the individual and any individuals covered by subdivision (2)(B) reside on the real property,

mobile home, or manufactured home; or

(B) after December 31, 2019, the individual and any individuals covered by subdivision (3)(C) reside on the real property, mobile home, or manufactured home;

(6) except as provided in subsection (i), the assessed value of the real property, mobile home, or manufactured home does not exceed two hundred thousand dollars ($200,000).

(7) the individual receives no other property tax deduction for the year in which the deduction is claimed, except the deductions provided by sections 1, 37, (for assessment dates after February 28, 2008) 37.5, and 38 of this chapter; and

(8) the person:

(A) owns the real property, mobile home, or manufactured home; or

(B) is buying the real property, mobile home, or manufactured home under contract;

on the date the statement required by section 10.1 of this chapter is filed.

(b) Except as provided in subsection (h), in the case of real property, an individual's deduction under this section equals the lesser of:

(1) one-half (1/2) of the assessed value of the real property; or

(2) fourteen thousand dollars ($14,000).

(c) Except as provided in subsection (h) and section 40.5 of this chapter, in the case of a mobile home that is not assessed as real property or a manufactured home which is not assessed as real property, an individual's deduction under this section equals the lesser of:

(1) one-half (1/2) of the assessed value of the mobile home or manufactured home; or

(2) fourteen thousand dollars ($14,000).

(d) An individual may not be denied the deduction provided under this section because the individual is absent from the real property, mobile home, or manufactured home while in a nursing home or hospital.

(e) For purposes of this section, if real property, a mobile home, or a manufactured home is owned by:

(1) tenants by the entirety;

(2) joint tenants; or

(3) tenants in common;

only one (1) deduction may be allowed. However, the age requirement is satisfied if any one (1) of the tenants is at least sixty-five (65) years of age.

(f) A surviving spouse is entitled to the deduction provided by this section if:

(1) the surviving spouse is at least sixty (60) years of age on or before December 31 of the calendar year preceding the year in which the deduction is claimed;

(2) the surviving spouse's deceased husband or wife was at least sixty-five (65) years of age at the time of a death;

(3) the surviving spouse has not remarried; and

(4) the surviving spouse satisfies the requirements prescribed in subsection (a)(2) through (a)(8).

(g) An individual who has sold real property to another person under a contract that provides that the contract buyer is to pay the property taxes on the real property may not claim the deduction provided under this section against that real property.

(h) In the case of tenants covered by subsection (a)(2)(B) or (a)(3)(C), if all of the tenants are not at least sixty-five (65) years of age, the deduction allowed under this section shall be reduced by an amount equal to the deduction multiplied by a fraction. The numerator of the fraction is the number of tenants who are not at least sixty-five (65) years of age, and the denominator is the total number of tenants.

(i) For purposes of determining the assessed value of the real property, mobile home, or manufactured home under subsection (a)(6) for an individual who has received a deduction under this section in a particular year, increases in assessed value ~~due solely to an annual adjustment of the assessed value under IC 6-1.1-4-4.5~~ that occur after the later of:

(1) December 31, 2019; or

(2) the first year that the individual has received the deduction;

are not considered **unless the increase in assessed value is attributable to physical improvements to the property.**

SECTION 17. IC 6-1.1-12-14, AS AMENDED BY P.L.114-2019, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 14. (a) Except as provided in subsection (c)

and except as provided in section 40.5 of this chapter, an individual may have the sum of fourteen thousand dollars ($14,000) deducted from the assessed value of the real property, mobile home not assessed as real property, or manufactured home not assessed as real property that the individual owns (or the real property, mobile home not assessed as real property, or manufactured home not assessed as real property that the individual is buying under a contract that provides that the individual is to pay property taxes on the real property, mobile home, or manufactured home if the contract or a memorandum of the contract is recorded in the county recorder's office) if:

(1) the individual served in the military or naval forces of the United States for at least ninety (90) days;

(2) the individual received an honorable discharge;

(3) the individual either:

(A) has a total disability; or

(B) is at least sixty-two (62) years old and has a disability of at least ten percent (10%);

(4) the individual's disability is evidenced by:

(A) a pension certificate or an award of compensation issued by the United States Department of Veterans Affairs; or

(B) a certificate of eligibility issued to the individual by the Indiana department of veterans' affairs after the Indiana department of veterans' affairs has determined that the individual's disability qualifies the individual to receive a deduction under this section; and

(5) the individual:

(A) owns the real property, mobile home, or manufactured home; or

(B) is buying the real property, mobile home, or manufactured home under contract;

on the date the statement required by section 15 of this chapter is filed.

(b) Except as provided in subsections (c) and (d), the surviving spouse of an individual may receive the deduction provided by this section if:

(1) the individual satisfied the requirements of subsection (a)(1) through (a)(4) at the time of death; or

(2) the individual:

(A) was killed in action;

(B) died while serving on active duty in the military or naval forces of the United States; or

(C) died while performing inactive duty training in the military or naval forces of the United States; and

the surviving spouse satisfies the requirement of subsection (a)(5) at the time the deduction statement is filed. The surviving spouse is entitled to the deduction regardless of whether the property for which the deduction is claimed was owned by the deceased veteran or the surviving spouse before the deceased veteran's death.

(c) Except as provided in subsection (f), no one is entitled to the deduction provided by this section if the assessed value of the individual's Indiana real property, Indiana mobile home not assessed as real property, and Indiana manufactured home not assessed as real property, as shown by the tax duplicate, exceeds the assessed value limit specified in subsection (d).

(d) Except as provided in subsection (f), for the:

(1) January 1, 2017, January 1, 2018, and January 1, 2019, assessment dates, the assessed value limit for purposes of subsection (c) is one hundred seventy-five thousand dollars ($175,000); and

(2) January 1, 2020, assessment date and for each assessment date thereafter, the assessed value limit for purposes of subsection (c) is two hundred thousand dollars ($200,000).

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

(f) For purposes of determining the assessed value of the real property, mobile home, or manufactured home under subsection (d) for an individual who has received a deduction under this section in a particular year, increases in assessed value ~~due solely to an annual adjustment of the assessed value under IC 6-1.1-4-4.5~~ that occur after

the later of:

(1) December 31, 2019; or

(2) the first year that the individual has received the deduction;

are not considered **unless the increase in assessed value is attributable to physical improvements to the property.**

SECTION 18. IC 6-1.1-15-1.1, AS AMENDED BY P.L.195-2019, SECTION 1, AND AS AMENDED BY P.L.257-2019, SECTION 30, AND AS AMENDED BY P.L.121-2019, SECTION 2, AND AS AMENDED BY THE TECHNICAL CORRECTIONS BILL OF THE 2020 GENERAL ASSEMBLY, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1.1. (a) A taxpayer may appeal an assessment of a taxpayer's tangible property by filing a notice in writing with the township assessor, or the county assessor if the township is not served by a township assessor. Except as provided in ~~*subsection*~~ *subsections* (e) *and (h),* an appeal under this section may raise any claim of an error related to the following:

(1) The assessed value of the property.

(2) The assessment was against the wrong person.

(3) The approval, denial, or omission of a deduction, credit, exemption, abatement, or tax cap.

(4) A clerical, mathematical, or typographical mistake.

(5) The description of the real property.

(6) The legality or constitutionality of a property tax or assessment.

A written notice under this section must be made on a form designated by the department of local government finance. A taxpayer must file a separate petition for each parcel.

(b) A taxpayer may appeal an error in the assessed value of the property under subsection (a)(1) any time after the official's action, but not later than the following:

(1) For assessments before January 1, 2019, the earlier of:

(A) forty-five (45) days after the date on which the notice of assessment is mailed by the county; or

(B) forty-five (45) days after the date on which the tax statement is mailed by the county treasurer, regardless of whether the assessing official changes the taxpayer's assessment.

(2) For assessments *of real property* after December 31, 2018, the earlier of:

(A) June 15 of the assessment year, if the notice of assessment is mailed by the county before May 1 of the assessment year; or

(B) June 15 of the year in which the tax statement is mailed by the county treasurer, if the notice of assessment is mailed by the county on or after May 1 of the assessment year.

(3) For assessments of personal property, forty-five (45) days after the date on which the county mails the notice under IC 6-1.1-3-20.

A taxpayer may appeal an error in the assessment under subsection (a)(2), (a)(3), (a)(4), (a)(5), or (a)(6) not later than three (3) years after the taxes were first due.

(c) Except as provided in subsection (d), an appeal under this section applies only to the tax year corresponding to the tax statement or other notice of action.

(d) An appeal under this section applies to a prior tax year if a county official took action regarding a prior tax year, and such action is reflected for the first time in the tax statement. A taxpayer who has timely filed a written notice of appeal under this section may be required to file a petition for each tax year, and each petition filed later must be considered timely.

(e) A taxpayer may not appeal under this section any claim of error related to the following:

(1) The denial of a deduction, exemption, abatement, or credit if the authority to approve or deny is not vested in the county board, county auditor, county assessor, or township assessor.

(2) The calculation of interest and penalties.

(3) A matter under subsection (a) if a separate appeal or review process is statutorily prescribed.

However, a claim may be raised under this section regarding the omission or application of a deduction approved by an authority other than the county board, county auditor, county assessor, or township assessor. ~~under subdivision (2).~~

(f) The filing of a written notice under this section constitutes a request by the taxpayer for a preliminary informal meeting with the

township assessor, or the county assessor if the township is not served by a township assessor.

(g) A county or township official who receives a written notice under this section shall forward the notice to:

(1) the county board; *and*

(2) the county auditor, if the taxpayer raises a claim regarding a matter that is in the discretion of the county auditor.

(h) A taxpayer may not raise any claim in an appeal under this section related to the legality or constitutionality of:

(1) a user fee (as defined in IC 33-23-1-10.5);

(2) any other charge, fee, or rate imposed by a political subdivision under any other law; or

(3) any tax imposed by a political subdivision other than a property tax.

SECTION 19. IC 6-1.1-16-1, AS AMENDED BY P.L.232-2017, SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1. (a) Except as provided in section 2 of this chapter, an assessing official or county property tax assessment board of appeals may not change the assessed value claimed by a taxpayer on a personal property return unless the assessing official or county property tax assessment board of appeals takes the action and gives the notice required by IC 6-1.1-3-20 within the following periods:

(1) A township assessor (if any) must make a change in the assessed value and give the notice of the change on or before the later of:

(A) September 15 of the year for which the assessment is made; or

(B) four (4) months from the date the personal property return is filed if the return is filed after the filing date for the personal property tax return.

(2) A county assessor ~~or county property tax assessment board of appeals~~ must make a change in the assessed value ~~including the final determination by the board of an assessment changed by an assessing official,~~ and give the notice of the change on or before the later of:

(A) October 30 of the year for which the assessment is made; or

(B) five (5) months from the date the personal property return is filed if the return is filed after the filing date for the personal property tax return.

(3) A county property tax assessment board of appeals must make a change in the assessed value and give notice of the change on or before the later of:

(A) October 30 of the year for which the assessment is made; or

(B) five (5) months from the date the personal property return is filed if the return is filed after the filing date for the personal property tax return.

This subdivision does not apply to a determination by a county property tax assessment board of appeals acting upon a petition for review filed under subsection (e)(1).

~~(3)~~ **(4)** The department of local government finance must make a preliminary change in the assessed value and give the notice of the change on or before the later of:

(A) October 1 of the year immediately following the year for which the assessment is made; or

(B) sixteen (16) months from the date the personal property return is filed if the return is filed after the filing date for the personal property tax return.

(b) Except as provided in section 2 of this chapter, if an assessing official or a county property tax assessment board of appeals fails to change an assessment and give notice of the change within the time prescribed by this section, the assessed value claimed by the taxpayer on the personal property return is final.

(c) This section does not limit the authority of a county auditor to correct errors in a tax duplicate under IC 6-1.1-15-12.1.

(d) This section does not apply if the taxpayer:

(1) fails to file a personal property return which substantially complies with this article and the regulations of the department of local government finance; or

(2) files a fraudulent personal property return with the intent to evade the payment of property taxes.

(e) **A taxpayer may appeal a change in the assessed value under this section as follows:**

(1) A taxpayer may appeal a change in the assessed value under subsection (a)(1) or (a)(2) by filing a written notice of review with the county property tax assessment board of appeals under IC 6-1.1-15-1.1.

(2) A taxpayer may appeal a change in the assessed value under subsection (a)(3) by filing a written notice of review with the Indiana board under IC 6-1.1-15-3.

(3) A taxpayer may appeal a preliminary determination of the department of local government finance under subsection ~~(a)(3)~~ **(a)(4)** to the Indiana board. An appeal under this subdivision shall be conducted in the same manner as an appeal under IC 6-1.1-15-4 through IC 6-1.1-15-8. A preliminary determination that is not appealed under this subsection is a final unappealable order of the department of local government finance.

SECTION 20. IC 6-1.1-16-2, AS AMENDED BY P.L.146-2008, SECTION 145, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 2. ~~(a) If a county property tax assessment board of appeals fails to change an assessed value claimed by a taxpayer on a personal property return and give notice of the change within the time prescribed in section 1(a)(2) of this chapter, the township assessor, or the county assessor if there is no township assessor for the township, may file a petition for review of the assessment by the Indiana board. The township or county assessor must file the petition for review in the manner provided in IC 6-1.1-15-3(d). The period for filing the petition begins to run on the last day that the county board is permitted to act on the assessment under section 1(a)(2) of this chapter as though the board acted and gave notice of its action on that day.~~

~~(b)~~ Notwithstanding section ~~1(a)(3)~~ **1(a)(4)** of this chapter, the department of local government finance shall reassess tangible property when an appealed assessment of the property is remanded to the **Indiana** board under IC 6-1.1-15-8.

SECTION 21. IC 6-1.1-17-0.7, AS ADDED BY P.L.184-2016, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 0.7. (a) Before ~~May 1~~ **June 15** of each year after ~~2017,~~ **2019,** the fiscal officer of each political subdivision shall provide the department of local government finance with an estimate of the total

amount of the political subdivision's debt service obligations (as defined in IC 6-1.1-20.6-9.8) that will be due in the last six (6) months of the current year and in the ensuing year.

(b) Before July 15 of each year after 2017, the department of local government finance shall provide the following to each political subdivision:

(1) An estimate of the maximum property tax rate that may be imposed by the political subdivision for property taxes payable in the ensuing year for each cumulative fund or other fund for which a maximum property tax rate is established by law.

(2) An estimate of the property tax rates that would be imposed by the political subdivision for property taxes payable in the ensuing year for debt service.

(c) The department of local government finance shall before August 1 of each year after 2017 provide to each political subdivision an estimate of the maximum amount of net property tax revenue and miscellaneous revenue that the political subdivision will receive in the ensuing year if the political subdivision's property tax rates are imposed at the maximum allowed under law and if the political subdivision imposes the maximum permissible ad valorem property tax levy allowed under law for the political subdivision. In making each of the estimates under this subsection, the department of local government finance shall consider the estimated amount of any credits that will be granted under IC 6-1.1-20.6 against property taxes imposed by the political subdivision.

SECTION 22. IC 6-1.1-17-3, AS AMENDED BY P.L.257-2019, SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 3. (a) The proper officers of a political subdivision shall formulate its estimated budget and its proposed tax rate and tax levy on the form prescribed by the department of local government finance and approved by the state board of accounts. In formulating a political subdivision's estimated budget under this section, the proper officers of the political subdivision must consider the net property tax revenue that will be collected by the political subdivision during the ensuing year, after taking into account the estimate by the department of local government finance under IC 6-1.1-20.6-11.1 of the amount by which the political subdivision's

distribution of property taxes will be reduced by credits under IC 6-1.1-20.6-9.5 in the ensuing year, after taking into account the estimate by the department of local government finance under section 0.7 of this chapter of the maximum amount of net property tax revenue and miscellaneous revenue that the political subdivision will receive in the ensuing year, and after taking into account all payments for debt service obligations that are to be made by the political subdivision during the ensuing year. The political subdivision or appropriate fiscal body, if the political subdivision is subject to section 20 of this chapter, shall submit the following information to the department's computer gateway:

(1) The estimated budget.

(2) The estimated maximum permissible levy, as provided by the department under IC 6-1.1-18.5-24.

(3) The current and proposed tax levies of each fund.

(4) The percentage change between the current and proposed tax levies of each fund.

(5) The amount by which the political subdivision's distribution of property taxes may be reduced by credits granted under IC 6-1.1-20.6, as estimated by the department of local government finance under IC 6-1.1-20.6-11.

(6) The amounts of excessive levy appeals to be requested.

(7) The time and place at which the political subdivision or appropriate fiscal body will hold a public hearing on the items described in subdivisions (1) through (6).

(8) The time and place at which the political subdivision or appropriate fiscal body will meet to fix the budget, tax rate, and levy under section 5 of this chapter.

(9) The date, time, and place of the final adoption of the budget, tax rate, and levy under section 5 of this chapter.

The political subdivision or appropriate fiscal body shall submit this information to the department's computer gateway at least ten (10) days before the public hearing required by this subsection in the manner prescribed by the department. **If the date, time, or place of the final adoption subsequently changes, the political subdivision shall update the information submitted to the department's computer gateway.** The department shall make this information available to

taxpayers, at least ten (10) days before the public hearing, through its computer gateway and provide a telephone number through which taxpayers may request mailed copies of a political subdivision's information under this subsection. The department's computer gateway must allow a taxpayer to search for the information under this subsection by the taxpayer's address. The department shall review only the submission to the department's computer gateway for compliance with this section.

(b) The board of directors of a solid waste management district established under IC 13-21 or IC 13-9.5-2 (before its repeal) may conduct the public hearing required under subsection (a):

(1) in any county of the solid waste management district; and

(2) in accordance with the annual notice of meetings published under IC 13-21-5-2.

(c) The trustee of each township in the county shall estimate the amount necessary to meet the cost of township assistance in the township for the ensuing calendar year. The township board shall adopt with the township budget a tax rate sufficient to meet the estimated cost of township assistance. The taxes collected as a result of the tax rate adopted under this subsection are credited to the township assistance fund.

(d) A political subdivision for which any of the information under subsection (a) is not submitted to the department's computer gateway in the manner prescribed by the department shall have its most recent annual appropriations and annual tax levy continued for the ensuing budget year.

(e) If a political subdivision or appropriate fiscal body timely submits the information under subsection (a) but subsequently discovers the information contains an error, the political subdivision or appropriate fiscal body may submit amended information to the department's computer gateway. However, submission of an amendment to information described in subsection (a)(1) through (a)(6) must occur at least ten (10) days before the public hearing held under subsection (a), and submission of an amendment to information described in subsection (a)(7) must occur at least twenty-four (24) hours before the time in which the meeting to fix the budget, tax rate, and levy was originally advertised to commence.

SECTION 23. IC 6-1.1-17-5, AS AMENDED BY P.L.257-2019, SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 5. (a) The officers of political subdivisions shall meet each year to fix the budget, tax rate, and tax levy of their respective subdivisions for the ensuing budget year as follows:

(1) The board of school trustees of a school corporation that is located in a city having a population of more than one hundred thousand (100,000) but less than one hundred ten thousand (110,000), not later than:

(A) the time required in section 5.6(b) of this chapter; or

(B) November 1 if a resolution adopted under section 5.6(d) of this chapter is in effect.

(2) Except as provided in section 5.2 of this chapter, the proper officers of all other political subdivisions that are not school corporations, not later than November 1.

(3) The governing body of a school corporation (other than a school corporation described in subdivision (1)) that elects to adopt a budget under section 5.6 of this chapter for budget years beginning after June 30, 2011, not later than the time required under section 5.6(b) of this chapter for budget years beginning after June 30, 2011.

(4) The governing body of a school corporation that is not described in subdivision (1) or (3), not later than November 1.

Except in a consolidated city and county and in a second class city, the public hearing required by section 3 of this chapter must be completed at least ten (10) days before the proper officers of the political subdivision meet to fix the budget, tax rate, and tax levy. In a consolidated city and county and in a second class city, that public hearing, by any committee or by the entire fiscal body, may be held at any time after introduction of the budget.

(b) Ten (10) or more taxpayers may object to a budget, tax rate, or tax levy of a political subdivision fixed under subsection (a) by filing an objection petition with the proper officers of the political subdivision not more than seven (7) days after the hearing. The objection petition must specifically identify the provisions of the budget, tax rate, and tax levy to which the taxpayers object.

(c) If a petition is filed under subsection (b), the fiscal body of the political subdivision shall adopt with its budget a finding concerning the objections in the petition and any testimony presented at the adoption hearing.

(d) A political subdivision shall file the budget adopted by the political subdivision with the department of local government finance not later than five (5) business days after the budget is adopted under subsection (a). The filing with the department of local government finance must be in a manner prescribed by the department.

(e) In a consolidated city and county and in a second class city, the clerk of the fiscal body shall, notwithstanding subsection (d), file the adopted budget and tax ordinances with the department of local government finance within five (5) business days after the ordinances are signed by the executive, or within five (5) business days after action is taken by the fiscal body to override a veto of the ordinances, whichever is later.

(f) If a fiscal body does not fix the budget, tax rate, and tax levy of the political subdivisions for the ensuing budget year as required under this section, the most recent annual appropriations and annual tax levy are continued for the ensuing budget year.

(g) When fixing a budget, tax rate, or tax levy under subsection (a), the political subdivision shall indicate on its adopting document, in the manner prescribed by the department, whether the political subdivision intends to:

(1) issue debt after December 1 of the year preceding the budget year; or

(2) file a shortfall appeal under IC 6-1.1-18.5-16.

SECTION 24. IC 6-1.1-17-16, AS AMENDED BY P.L.257-2019, SECTION 47, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 16. (a) The department of local government finance shall certify the tax rates and tax levies for all funds of political subdivisions subject to the department of local government finance's review.

(b) For a fund of a political subdivision subject to levy limits under IC 6-1.1-18.5-3, the department of local government finance shall calculate and certify the allowable budget of the fund if the political subdivision adopts a tax levy that exceeds the estimated maximum levy

limits as provided by the department of local government finance under IC 6-1.1-18.5-24.

(c) For a fund of a political subdivision subject to levy limits under IC 6-1.1-18.5-3 and for which the political subdivision adopts a tax levy that is not more than the levy limits under IC 6-1.1-18.5-3, the department of local government finance shall review the fund to ensure the adopted budget is fundable based on the unit's adopted tax levy and estimates of available revenues. If the adopted budget is fundable, the department of local government finance shall use the adopted budget as the approved appropriation for the fund for the budget year. As needed, the political subdivision may complete the additional appropriation process through IC 6-1.1-18-5 for these funds during the budget year.

(d) For a fund of the political subdivision subject to levy limits under IC 6-1.1-18.5-3 and for which the political subdivision adopts a tax levy that is not more than the levy limits under IC 6-1.1-18.5-3, if the department of local government finance has determined the adopted budget is not fundable based on the unit's adopted tax levy and estimates of available revenues, the department of local government finance shall calculate and certify the allowable budget that is fundable based on the adopted tax levy and the department's estimates of available revenues.

(e) For all other funds of a political subdivision not described in subsections (b), (c), and (d), the department of local government finance shall certify a budget for the fund.

(f) Except as provided in section 16.1 of this chapter, the department of local government finance is not required to hold a public hearing before the department of local government finance reviews, revises, reduces, or increases a political subdivision's budget by fund, tax rate, or tax levy under this section.

(g) Except as provided in subsection (l), IC 20-46, or IC 6-1.1-18.5, the department of local government finance may not increase a political subdivision's budget by fund, tax rate, or tax levy to an amount which exceeds the amount originally fixed by the political subdivision. However, if the department of local government finance determines that IC 5-3-1-2.3(b) applies to the tax rate, tax levy, or budget of the political subdivision, the maximum amount by which the department may increase the tax rate, tax levy, or budget is the amount originally

fixed by the political subdivision, and not the amount that was incorrectly published or omitted in the notice described in IC 5-3-1-2.3(b). The department of local government finance shall give the political subdivision notification electronically in the manner prescribed by the department of local government finance specifying any revision, reduction, or increase the department proposes in a political subdivision's tax levy or tax rate. The political subdivision has ten (10) calendar days from the date the political subdivision receives the notice to provide a response electronically in the manner prescribed by the department of local government finance. The response may include budget reductions, reallocation of levies, a revision in the amount of miscellaneous revenues, and further review of any other item about which, in the view of the political subdivision, the department is in error. The department of local government finance shall consider the adjustments as specified in the political subdivision's response if the response is provided as required by this subsection and shall deliver a final decision to the political subdivision. **The department of local government finance may not consider any adjustments that are suggested by the political subdivision after the expiration of the ten (10) day period allowed for the political subdivision's response.**

(h) The department of local government finance may not approve a levy for lease payments by a city, town, county, library, or school corporation if the lease payments are payable to a building corporation for use by the building corporation for debt service on bonds and if:

(1) no bonds of the building corporation are outstanding; or

(2) the building corporation has enough legally available funds on hand to redeem all outstanding bonds payable from the particular lease rental levy requested.

(i) The department of local government finance shall certify its action to:

(1) the county auditor;

(2) the political subdivision if the department acts pursuant to an appeal initiated by the political subdivision; and

(3) a taxpayer that owns property that represents at least ten percent (10%) of the taxable assessed valuation in the political subdivision.

(j) The following may petition for judicial review of the final

determination of the department of local government finance under subsection (i):

(1) If the department acts under an appeal initiated by a political subdivision, the political subdivision.

(2) A taxpayer that owns property that represents at least ten percent (10%) of the taxable assessed valuation in the political subdivision.

The petition must be filed in the tax court not more than forty-five (45) days after the department certifies its action under subsection (i).

(k) The department of local government finance is expressly directed to complete the duties assigned to it under this section as follows:

(1) Not later than December 31 of the year preceding that budget year, unless subdivision (2) applies.

(2) Not later than January 15 of the budget year if **any of the following are true:**

(A) A taxing unit in a county ~~is issuing~~ **intends to issue** debt after December 1 in the year preceding the budget year ~~or~~ **and has indicated its intent to issue debt after December 1 in the year preceding the budget year as specified in section 5 of this chapter.**

(B) A taxing unit intends to file a shortfall appeal under IC 6-1.1-18.5-16 **and has indicated its intent to file a shortfall appeal as specified in section 5 of this chapter.** ~~or~~ ~~(B)~~ **(C)** The deadline for a city in the county to fix the budget, tax rate, and tax levy has been extended, in accordance with section 5.2 of this chapter, due to the executive's veto of the ordinance fixing the budget, tax rate, and tax levy.

(l) Subject to the provisions of all applicable statutes, and notwithstanding IC 6-1.1-18-1, the department of local government finance shall, unless the department finds extenuating circumstances, increase a political subdivision's tax levy to an amount that exceeds the amount originally advertised or adopted by the political subdivision if:

(1) the increase is requested in writing by the officers of the political subdivision;

(2) the request includes:

(A) the corrected budget, tax rate, or levy, as applicable; and

(B) the time and place of the meeting described in subdivision

(4);

(3) the political subdivision publishes the requested increase on the department's advertising Internet web site;

(4) the political subdivision adopts the needed changes to its budget, tax levy, or rate in a public meeting of the governing body; and

(5) notice is given to the county fiscal body of the department's correction.

The political subdivision shall publish notice of the meeting described in subdivision (4) on the Indiana transparency Internet web site in the manner prescribed by the department not later than forty-eight (48) hours (excluding weekends and holidays) before the meeting. If the department increases a levy beyond what was advertised or adopted under this subsection, it shall, unless the department finds extenuating circumstances, reduce the certified levy affected below the maximum allowable levy by the lesser of five percent (5%) of the difference between the advertised or adopted levy and the increased levy, or one hundred thousand dollars ($100,000).

SECTION 25. IC 6-1.1-17-16.7, AS AMENDED BY P.L.184-2016, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 16.7. (a) A political subdivision that in any year adopts a proposal to establish a cumulative fund or sinking fund under any of the following provisions must submit the proposal to the department of local government finance before August 2 of that year, for years before 2018, and before May 1 of that year, for years after 2017:

IC 3-11-6
IC 8-10-5
IC 8-16-3
IC 8-16-3.1
IC 8-22-3
IC 14-27-6
IC 14-33-21
IC 16-22-5
IC 16-22-8
IC 36-8-8-14.2
IC 36-8-14

IC 36-9-4
IC 36-9-14
IC 36-9-14.5
IC 36-9-15
IC 36-9-15.5
IC 36-9-16
IC 36-9-17
IC 36-9-26
IC 36-9-27
IC 36-10-3
IC 36-10-4
IC 36-10-7.5

(b) If a proposal described in subsection (a) is not submitted to the department of local government finance before August 2 of a year, for years before 2018, and before May 1 of a year, for years after 2017, the political subdivision may not levy a tax for the cumulative fund or sinking fund in the ensuing year.

SECTION 26. IC 6-1.1-17-20.3, AS AMENDED BY SEA 410-2020, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 20.3. (a) Except as provided in section 20.4 of this chapter, this section applies only to the governing body of a public library that:

(1) is not comprised of a majority of officials who are elected to serve on the governing body; and

(2) has a percentage increase in the proposed budget for the taxing unit for the ensuing calendar year that is more than the result of:

(A) the ~~assessed value~~ **maximum levy** growth quotient determined under IC 6-1.1-18.5-2 for the ensuing calendar year; minus

(B) one (1).

For purposes of this section, an individual who qualifies to be appointed to a governing body or serves on a governing body because of the individual's status as an elected official of another taxing unit shall be treated as an official who was not elected to serve on the governing body.

(b) This section does not apply to an entity whose tax levies are subject to review and modification by a city-county legislative body

under IC 36-3-6-9.

(c) If:

(1) the assessed valuation of a public library's territory is entirely contained within a city or town; or

(2) the assessed valuation of a public library's territory is not entirely contained within a city or town but more than fifty percent (50%) of the assessed valuation of the public library's territory is contained within the city or town;

the governing body shall submit its proposed budget and property tax levy to the city or town fiscal body in the manner prescribed by the department of local government finance before September 2 of a year. However, the governing body shall submit its proposed budget and property tax levy to the county fiscal body in the manner provided in subsection (d), rather than to the city or town fiscal body, if more than fifty percent (50%) of the parcels of real property within the jurisdiction of the public library are located outside the city or town.

(d) If subsection (c) does not apply or the public library's territory covers more than one (1) county, the governing body of the public library shall submit its proposed budget and property tax levy to the county fiscal body in the county where the public library has the most assessed valuation. The proposed budget and levy shall be submitted to the county fiscal body in the manner prescribed by the department of local government finance before September 2 of a year.

(e) The fiscal body of the city, town, or county (whichever applies) shall review each budget and proposed tax levy and adopt a final budget and tax levy for the public library. The fiscal body may reduce or modify but not increase the proposed budget or tax levy.

(f) If a public library fails to file the information required in subsection (c) or (d), whichever applies, with the appropriate fiscal body by the time prescribed by this section, the most recent annual appropriations and annual tax levy of that public library are continued for the ensuing budget year.

(g) If the appropriate fiscal body fails to complete the requirements of subsection (e) before the adoption deadline in section 5 of this chapter for any public library subject to this section, the most recent annual appropriations and annual tax levy of the city, town, or county, whichever applies, are continued for the ensuing budget year.

SECTION 27. IC 6-1.1-18-5, AS AMENDED BY P.L.252-2019, SECTION 3, AND AS AMENDED BY P.L.257-2019, SECTION 49, AND AS AMENDED BY THE TECHNICAL CORRECTIONS BILL OF THE 2020 GENERAL ASSEMBLY, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 5. (a) If the proper officers of a political subdivision desire to appropriate more money for a particular year than the amount prescribed in the budget for that year as finally determined under this article, they shall give notice of their proposed additional appropriation. The notice shall state the time and place at which a public hearing will be held on the proposal. The notice shall be given once in accordance with IC 5-3-1-2(b).

(b) If the additional appropriation by the political subdivision is made from a fund ~~*that receives:*~~

~~*(1) distributions from the motor vehicle highway account established under IC 8-14-1-1 or the local road and street account established under IC 8-14-2-4; or*~~

~~*(2) revenue from property taxes levied under IC 6-1.1;*~~ *for which the budget, rate, or levy is certified by the department of local government finance under IC 6-1.1-17-16,*

the political subdivision must report the additional appropriation to the department of local government finance. If the additional appropriation is made from a fund described under this subsection, subsections (f), (g), (h), and (i) apply to the political subdivision.

(c) However, if the additional appropriation is not made from a fund described under subsection (b), subsections (f), (g), (h), and (i) do not apply to the political subdivision. Subsections (f), (g), (h), and (i) do not apply to an additional appropriation made from the cumulative bridge fund if the appropriation meets the requirements under IC 8-16-3-3(c).

(d) A political subdivision may make an additional appropriation without approval of the department of local government finance if the additional appropriation is made from a fund that is not described under subsection (b). However, the fiscal officer of the political subdivision shall report the additional appropriation to the department of local government finance.

(e) *Subject to subsections (j) and (k),* after the public hearing, the proper officers of the political subdivision shall file a certified copy of

their final proposal and any other relevant information to the department of local government finance **not later than fifteen (15) days after the additional appropriation is adopted by the appropriate fiscal body. If the additional appropriation is not submitted to the department of local government finance within fifteen (15) days after adoption, the department of local government finance may require the political subdivision to conduct a readoption hearing.**

(f) When the department of local government finance receives a certified copy of a proposal for an additional appropriation under subsection (e), the department shall determine whether sufficient funds are available or will be available for the proposal. The determination shall be made in writing and sent to the political subdivision not more than fifteen (15) days after the department of local government finance receives the proposal.

(g) In making the determination under subsection (f), the department of local government finance shall limit the amount of the additional appropriation to revenues available, or to be made available, which have not been previously appropriated.

(h) If the department of local government finance disapproves an additional appropriation under subsection (f), the department shall specify the reason for its disapproval on the determination sent to the political subdivision.

(i) A political subdivision may request a reconsideration of a determination of the department of local government finance under this section by filing a written request for reconsideration. A request for reconsideration must:

(1) be filed with the department of local government finance within fifteen (15) days of the receipt of the determination by the political subdivision; and

(2) state with reasonable specificity the reason for the request.

The department of local government finance must act on a request for reconsideration within fifteen (15) days of receiving the request.

(j) This subsection applies to an additional appropriation by a political subdivision that must have the political subdivision's annual appropriations and annual tax levy adopted by a city, town, or county fiscal body under IC 6-1.1-17-20 or IC 36-1-23 or by a legislative or

fiscal body under IC 36-3-6-9. The fiscal or legislative body of the city, town, or county that adopted the political subdivision's annual appropriation and annual tax levy must adopt the additional appropriation by ordinance before the department of local government finance may approve the additional appropriation.

(k) This subsection applies to a public library that is not required to submit the public library's budgets, tax rates, and tax levies for binding review and approval under IC 6-1.1-17-20 *or IC 6-1.1-17-20.4.* If a public library subject to this subsection proposes to make an additional appropriation for a year, and the additional appropriation would result in the budget for the library for that year increasing (as compared to the previous year) by a percentage that is greater than the result of the ~~assessed value~~ **maximum levy** growth quotient determined under IC 6-1.1-18.5-2 for the calendar year minus one (1), the additional appropriation must first be approved by the city, town, or county fiscal body described in IC 6-1.1-17-20.3(c) or ~~*IC 6-1.1-17-20(d),*~~ *IC 6-1.1-17-20.3(d),* as appropriate.

SECTION 28. IC 6-1.1-18-30 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 30. (a) This section applies only to Sullivan County.**

(b) The executive of the county may, upon approval by the fiscal body of the county, submit a petition to the department of local government finance for an increase in the county's maximum permissible ad valorem property tax levy under IC 6-1.1-18.5 for property taxes due and payable in 2021. A petition must be submitted not later than September 1, 2020.

(c) If a petition is submitted under subsection (b), the department of local government finance shall increase the county's maximum permissible ad valorem property tax levy under IC 6-1.1-18.5 for property taxes due and payable in 2021. The amount of the increase under this section is equal to the difference between:

(1) the lesser of:

(A) the county's maximum permissible ad valorem property tax levy under IC 6-1.1-18.5 for property taxes due and payable in 2020; or

(B) the ad valorem property tax levy adopted by the county fiscal body for property taxes due and payable in 2020; and

(2) the county's ad valorem property tax levy under IC 6-1.1-18.5 as certified by the department of local government finance for property taxes due and payable in 2020.

(d) The adjustment under this section is a temporary, one (1) time increase to the county's maximum permissible ad valorem property tax levy for purposes of IC 6-1.1-18.5.

(e) This section expires June 30, 2023.

SECTION 29. IC 6-1.1-18-31 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 31. (a) This section applies only to the Wabash city school corporation.**

(b) The superintendent of the Wabash city school corporation may, upon approval by the governing board of the school corporation, submit a petition to the department of local government finance for an increase in the school corporation's maximum permissible ad valorem property tax levy under IC 20-46-8-1 for its operations fund for property taxes due and payable in 2021. A petition must be submitted not later than September 1, 2020.

(c) If a petition is submitted under subsection (b), the department of local government finance shall increase the school corporation's maximum permissible ad valorem property tax levy under IC 20-46-8-1 for its operations fund for property taxes due and payable in 2021. The amount of the increase under this section is equal to the difference between:

(1) the lesser of:

(A) the school corporation's maximum permissible ad valorem property tax levy under IC 20-46-8-1 for the operations fund for property taxes due and payable in 2020; or

(B) the ad valorem property tax levy for the operations fund adopted for the school corporation for property taxes due and payable in 2020; and

(2) the school corporation's ad valorem property tax levy under IC 20-46-8-1 for the operations fund as certified by the department of local government finance for property taxes due and payable in 2020.

(d) The adjustment under this section is a temporary, one (1) time increase to the school corporation's maximum permissible ad valorem property tax levy for purposes of IC 20-46-8-1.

(e) This section expires June 30, 2023.

SECTION 30. IC 6-1.1-18-32 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 32. (a) This section applies only to the city of Wabash.**

(b) The executive of the city may, upon approval by the fiscal body of the city, submit a petition to the department of local government finance for an increase in the city's maximum permissible ad valorem property tax levy under IC 6-1.1-18.5 for property taxes due and payable in 2021. A petition must be submitted not later than September 1, 2020.

(c) If a petition is submitted under subsection (b), the department of local government finance shall increase the city's maximum permissible ad valorem property tax levy under IC 6-1.1-18.5 for property taxes due and payable in 2021. The amount of the increase under this section is equal to the difference between:

(1) the lesser of:

(A) the city's maximum permissible ad valorem property tax levy under IC 6-1.1-18.5 for property taxes due and payable in 2020; or

(B) the ad valorem property tax levy adopted by the city fiscal body for property taxes due and payable in 2020; and

(2) the city's ad valorem property tax levy as certified by the department of local government finance for property taxes due and payable in 2020.

(d) The adjustment under this section is a temporary, one (1) time increase to the city's maximum permissible ad valorem property tax levy for purposes of IC 6-1.1-18.5.

(e) This section expires June 30, 2023.

SECTION 31. IC 6-1.1-18.5-2, AS AMENDED BY P.L.238-2019, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 2. (a) As used in this section, "Indiana nonfarm personal income" means the estimate of total nonfarm personal income for Indiana in a calendar year as computed by the federal Bureau of Economic Analysis using any actual data for the calendar year and any estimated data determined appropriate by the federal Bureau of Economic Analysis.

(b) Except as provided in subsection (c), for purposes of determining a civil taxing unit's maximum permissible ad valorem property tax levy for an ensuing calendar year, the civil taxing unit shall use the ~~assessed value~~ **maximum levy** growth quotient determined in the last STEP of the following STEPS:

STEP ONE: For each of the six (6) calendar years immediately preceding the year in which a budget is adopted under IC 6-1.1-17-5 for the ensuing calendar year, 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, rounding to the nearest one-thousandth (0.001).

STEP TWO: Determine the sum of the STEP ONE results.

STEP THREE: Divide the STEP TWO result by six (6), rounding to the nearest one-thousandth (0.001).

STEP FOUR: Determine the lesser of the following:

(A) The STEP THREE quotient.

(B) One and six-hundredths (1.06).

(c) A school corporation shall use for its operations fund maximum levy calculation under IC 20-46-8-1 the ~~assessed value~~ **maximum levy** growth quotient determined in the last STEP of the following STEPS:

STEP ONE: Determine for each school corporation, the average annual growth in net assessed value using the three (3) calendar years immediately preceding the year in which a budget is adopted under IC 6-1.1-17-5 for the ensuing calendar year.

STEP TWO: Determine the greater of:

(A) zero (0); or

(B) the STEP ONE amount minus the sum of:

(i) the ~~assessed value~~ **maximum levy** growth quotient determined under subsection (b) minus one (1); plus

(ii) two-hundredths (0.02).

STEP THREE: Determine the lesser of:

(A) the STEP TWO amount; or

(B) four-hundredths (0.04).

STEP FOUR: Determine the sum of:

(A) the STEP THREE amount; plus

(B) the ~~assessed value~~ **maximum levy** growth quotient determined under subsection (b).

STEP FIVE: Determine the greater of:

(A) the STEP FOUR amount; or

(B) the ~~assessed value~~ **maximum levy** growth quotient determined under subsection (b).

(d) The budget agency shall provide the ~~assessed value~~ **maximum levy** growth quotient for the ensuing year to civil taxing units, school corporations, and the department of local government finance before July 1 of each year.

SECTION 32. IC 6-1.1-18.5-7, AS AMENDED BY P.L.203-2016, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 7. (a) A civil taxing unit is not subject to the levy limits imposed by section 3 of this chapter for an ensuing calendar year if the civil taxing unit did not adopt an ad valorem property tax levy for the immediately preceding calendar year.

(b) If under subsection (a) a civil taxing unit is not subject to the levy limits imposed under section 3 of this chapter for ~~a~~ **an ensuing** calendar year, the civil taxing unit shall, **before June 30 of the immediately preceding year,** refer its proposed budget, ad valorem property tax levy, and property tax rate for ~~that~~ **the ensuing** calendar year to the department of local government finance. The department of local government finance shall make a final determination of the civil taxing unit's budget, ad valorem property tax levy, and property tax rate for ~~that~~ **the ensuing** calendar year. However, a civil taxing unit may not impose a property tax levy for ~~a~~ **an ensuing calendar** year if the unit did not exist as of January 1 of the **immediately** preceding year.

(c) This subsection does not apply to an ad valorem property tax levy imposed by a civil taxing unit for fire protection services

within a fire protection territory under IC 36-8-19. In determining a budget, ad valorem property tax levy, and property tax rate under subsection (b), the department shall consider the effect of a property tax levy on a local income tax distribution to the civil taxing unit under IC 6-3.6-6.

SECTION 33. IC 6-1.1-18.5-10, AS AMENDED BY P.L.76-2018, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 10. (a) The ad valorem property tax levy limits imposed by section 3 of this chapter do not apply to ad valorem property taxes imposed by a civil taxing unit to be used to fund:

(1) community mental health centers under:

(A) IC 12-29-2-1.2, for only those civil taxing units that authorized financial assistance under IC 12-29-1 before 2002 for a community mental health center as long as the tax levy under this section does not exceed the levy authorized in 2002;

(B) IC 12-29-2-2 through IC 12-29-2-4; and

(C) IC 12-29-2-13; or

(2) community intellectual disability and other developmental disabilities centers under IC 12-29-1-1.

(b) For purposes of computing the ad valorem property tax levy limits imposed on a civil taxing unit by section 3 of this chapter, the civil taxing unit's ad valorem property tax levy for a particular calendar year does not include that part of the levy described in subsection (a).

(c) This subsection applies to property taxes first due and payable after December 31, 2008. Notwithstanding subsections (a) and (b) or any other law, any property taxes imposed by a civil taxing unit that are exempted by this section from the ad valorem property tax levy limits imposed by section 3 of this chapter may not increase annually by a percentage greater than the result of:

(1) the ~~assessed value~~ **maximum levy** growth quotient determined under section 2 of this chapter; minus

(2) one (1).

(d) Before July 15 of each year, the department of local government finance shall provide to each county an estimate of the maximum amount of property taxes imposed for community mental health centers or community intellectual disability and other developmental disabilities centers that are exempt from the levy limits for the ensuing year.

SECTION 34. IC 6-1.1-18.5-10.5, AS AMENDED BY P.L.245-2015, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 10.5. (a) The ad valorem property tax levy limits imposed by section 3 of this chapter do not apply to ad valorem property taxes imposed by a civil taxing unit for fire protection services within a fire protection territory under IC 36-8-19, if the civil taxing unit is a participating unit in a fire protection territory established before August 1, 2001. For purposes of computing the ad valorem property tax levy limits imposed on a civil taxing unit by section 3 of this chapter on a civil taxing unit that is a participating unit in a fire protection territory, established before August 1, 2001, the civil taxing unit's ad valorem property tax levy for a particular calendar year does not include that part of the levy imposed under IC 36-8-19. Any property taxes imposed by a civil taxing unit that are exempted by this subsection from the ad valorem property tax levy limits imposed by section 3 of this chapter and first due and payable after December 31, 2008, may not increase annually by a percentage greater than the result of:

(1) the ~~assessed value~~ **maximum levy** growth quotient determined under section 2 of this chapter; minus

(2) one (1).

(b) The department of local government finance may, under this subsection, increase the maximum permissible ad valorem property tax levy that would otherwise apply to a civil taxing unit under section 3 of this chapter to meet the civil taxing unit's obligations to a fire protection territory established under IC 36-8-19. To obtain an increase in the civil taxing unit's maximum permissible ad valorem property tax levy, a civil taxing unit shall submit a petition to the department of local government finance in the year immediately preceding the first year in which the civil taxing unit levies a tax to support the fire protection territory. The petition must be filed before the date specified in section 12(a)(1) of this chapter of that year. The department of local government finance shall make a final determination of the civil taxing unit's budget, ad valorem property tax levy, and property tax rate for the fire protection territory for the ensuing calendar year. In making its determination under this subsection, the department of local government finance shall consider the amount that the civil taxing unit is obligated

to provide to meet the expenses of operation and maintenance of the fire protection services within the territory, including the participating unit's reasonable share of an operating balance for the fire protection territory. The department of local government finance shall determine the entire amount of the allowable adjustment in the final determination. The department shall order the adjustment implemented in the amounts and over the number of years, not exceeding three (3), requested by the petitioning civil taxing unit. However, the department of local government finance may not approve under this subsection a property tax levy greater than zero (0) if the civil taxing unit did not exist as of the assessment date for which the tax levy will be imposed. For purposes of applying this subsection to the civil taxing unit's maximum permissible ad valorem property tax levy in subsequent calendar years, the department of local government finance may determine not to consider part or all of the part of the property tax levy imposed to establish the operating balance of the fire protection territory.

SECTION 35. IC 6-1.1-18.5-12, AS AMENDED BY P.L.84-2016, SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 12. (a) Any civil taxing unit that determines that it cannot carry out its governmental functions for an ensuing calendar year under the levy limitations imposed by section 3 **or 25** of this chapter, **as applicable,** may:

(1) before October 20 of the calendar year immediately preceding the ensuing calendar year; or

(2) in the case of a request described in section 16 of this chapter, before December 31 of the calendar year immediately preceding the ensuing calendar year;

appeal to the department of local government finance for relief from those levy limitations. In the appeal the civil taxing unit must state that it will be unable to carry out the governmental functions committed to it by law unless it is given the authority that it is petitioning for. The civil taxing unit must support these allegations by reasonably detailed statements of fact.

(b) The department of local government finance shall immediately proceed to the examination and consideration of the merits of the civil taxing unit's appeal.

(c) In considering an appeal, the department of local government

finance has the power to conduct hearings, require any officer or member of the appealing civil taxing unit to appear before it, or require any officer or member of the appealing civil taxing unit to provide the department with any relevant records or books.

(d) If an officer or member:

(1) fails to appear at a hearing after having been given written notice requiring that person's attendance; or

(2) fails to produce the books and records that the department by written notice required the officer or member to produce;

then the department may file an affidavit in the circuit court, superior court, or probate court in the jurisdiction in which the officer or member may be found setting forth the facts of the failure.

(e) Upon the filing of an affidavit under subsection (d), the court shall promptly issue a summons, and the sheriff of the county within which the court is sitting shall serve the summons. The summons must command the officer or member to appear before the department to provide information to the department or to produce books and records for the department's use, as the case may be. Disobedience of the summons constitutes, and is punishable as, a contempt of the court that issued the summons.

(f) All expenses incident to the filing of an affidavit under subsection (d) and the issuance and service of a summons shall be charged to the officer or member against whom the summons is issued, unless the court finds that the officer or member was acting in good faith and with reasonable cause. If the court finds that the officer or member was acting in good faith and with reasonable cause or if an affidavit is filed and no summons is issued, the expenses shall be charged against the county in which the affidavit was filed and shall be allowed by the proper fiscal officers of that county.

(g) The fiscal officer of a civil taxing unit that appeals under section 16 of this chapter for relief from levy limitations shall immediately file a copy of the appeal petition with the county auditor and the county treasurer of the county in which the unit is located.

SECTION 36. IC 6-1.1-18.5-13, AS AMENDED BY P.L.86-2018, SECTION 51, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 13. (a) With respect to an appeal filed under section 12 of this chapter, the department may find that a

civil taxing unit should receive any one (1) or more of the following types of relief:

(1) Permission to the civil taxing unit to increase its levy in excess of the limitations established under section 3 **or 25** of this chapter, **as applicable,** if in the judgment of the department the increase is reasonably necessary due to increased costs of the civil taxing unit resulting from annexation, consolidation, or other extensions of governmental services by the civil taxing unit to additional geographic areas. With respect to annexation, consolidation, or other extensions of governmental services in a calendar year, if those increased costs are incurred by the civil taxing unit in that calendar year and more than one (1) immediately succeeding calendar year, the unit may appeal under section 12 of this chapter for permission to increase its levy under this subdivision based on those increased costs in any of the following:

(A) The first calendar year in which those costs are incurred.

(B) One (1) or more of the immediately succeeding four (4) calendar years.

(2) Permission to the civil taxing unit to increase its levy in excess of the limitations established under section 3 **or 25** of this chapter, **as applicable,** if the department finds that the quotient determined under STEP SIX of the following formula is equal to or greater than one and two-hundredths (1.02):

STEP ONE: Determine the three (3) calendar years that most immediately precede the ensuing calendar year.

STEP TWO: Compute separately, for each of the calendar years determined in STEP ONE, the quotient (rounded to the nearest ten-thousandth (0.0001)) of the sum of the civil taxing unit's total assessed value of all taxable property and:

(i) for a particular calendar year before 2007, the total assessed value of property tax deductions in the unit under IC 6-1.1-12-41 (repealed) or IC 6-1.1-12-42 in the particular calendar year; or

(ii) for a particular calendar year after 2006, the total assessed value of property tax deductions that applied in the unit under IC 6-1.1-12-42 in 2006 plus for a particular calendar year after 2009, the total assessed value of property

tax deductions that applied in the unit under IC 6-1.1-12-37.5 in 2008;

divided by the sum determined under this STEP for the calendar year immediately preceding the particular calendar year.

STEP THREE: Divide the sum of the three (3) quotients computed in STEP TWO by three (3).

STEP FOUR: Compute separately, for each of the calendar years determined in STEP ONE, the quotient (rounded to the nearest ten-thousandth (0.0001)) of the sum of the total assessed value of all taxable property in all counties and:

(i) for a particular calendar year before 2007, the total assessed value of property tax deductions in all counties under IC 6-1.1-12-41 (repealed) or IC 6-1.1-12-42 in the particular calendar year; or

(ii) for a particular calendar year after 2006, the total assessed value of property tax deductions that applied in all counties under IC 6-1.1-12-42 in 2006 plus for a particular calendar year after 2009, the total assessed value of property tax deductions that applied in the unit under IC 6-1.1-12-37.5 in 2008;

divided by the sum determined under this STEP for the calendar year immediately preceding the particular calendar year.

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

STEP SIX: Divide the STEP THREE amount by the STEP FIVE amount.

The civil taxing unit may increase its levy by a percentage not greater than the percentage by which the STEP THREE amount exceeds the percentage by which the civil taxing unit may increase its levy under section 3 **or 25** of this chapter, **as applicable,** based on the ~~assessed value~~ **maximum levy** growth quotient determined under section 2 of this chapter.

(3) A levy increase may be granted under this subdivision only for property taxes first due and payable after December 31, 2008. Permission to a civil taxing unit to increase its levy in excess of

the limitations established under section 3 **or 25** of this chapter, **as applicable,** if the civil taxing unit cannot carry out its governmental functions for an ensuing calendar year under the levy limitations imposed by section 3 **or 25** of this chapter, **as applicable,** due to a natural disaster, an accident, or another unanticipated emergency.

(b) The department of local government finance shall increase the maximum permissible ad valorem property tax levy under section 3 of this chapter for the city of Goshen for 2012 and thereafter by an amount equal to the greater of zero (0) or the result of:

(1) the city's total pension costs in 2009 for the 1925 police pension fund (IC 36-8-6) and the 1937 firefighters' pension fund (IC 36-8-7); minus

(2) the sum of:

(A) the total amount of state funds received in 2009 by the city and used to pay benefits to members of the 1925 police pension fund (IC 36-8-6) or the 1937 firefighters' pension fund (IC 36-8-7); plus

(B) any previous permanent increases to the city's levy that were authorized to account for the transfer to the state of the responsibility to pay benefits to members of the 1925 police pension fund (IC 36-8-6) and the 1937 firefighters' pension fund (IC 36-8-7).

SECTION 37. IC 6-1.1-18.5-14, AS AMENDED BY P.L.182-2009(ss), SECTION 134, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 14. (a) The department of local government finance may order a correction of any advertising error, mathematical error, or error in data made at the local level for any calendar year if the department finds that the error affects the determination of the limitations established by section 3 **or 25** of this chapter, **as applicable,** or the tax rate or levy of a civil taxing unit. The department of local government finance may on its own initiative correct such an advertising error, mathematical error, or error in data for any civil taxing unit.

(b) A correction made under subsection (a) for a prior calendar year shall be applied to the civil taxing unit's levy limitations, rate, and levy for the ensuing calendar year to offset any cumulative effect that the

error caused in the determination of the civil taxing unit's levy limitations, rate, or levy for the ensuing calendar year.

SECTION 38. IC 6-1.1-18.5-16, AS AMENDED BY P.L.257-2019, SECTION 53, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 16. (a) A civil taxing unit may request permission from the department to impose an ad valorem property tax levy that exceeds the limits imposed by section 3 of this chapter if:

(1) the civil taxing unit experienced a property tax revenue shortfall that resulted from erroneous assessed valuation figures being provided to the civil taxing unit;

(2) the erroneous assessed valuation figures were used by the civil taxing unit in determining its total property tax rate; and

(3) the error in the assessed valuation figures was found after the civil taxing unit's property tax levy resulting from that total rate was finally approved by the department of local government finance.

However, a civil taxing unit may not make a request described in this subsection on account of a revenue shortfall experienced in excess of five (5) years from the date of the most recent certified budget, tax rate, and levy of the civil taxing unit under IC 6-1.1-17-16.

(b) A civil taxing unit may request permission from the department to impose an ad valorem property tax levy that exceeds the limits imposed by section 3 **or 25** of this chapter, **as applicable,** if the civil taxing unit experienced a property tax revenue shortfall because of the payment of refunds that resulted from appeals under this article and IC 6-1.5. However, a civil taxing unit may not make a request described in this subsection on account of a revenue shortfall experienced in excess of five (5) years from the date of the most recent certified budget, tax rate, and levy of the civil taxing unit under IC 6-1.1-17-16.

(c) If the department determines that a shortfall described in subsection (a) or (b) has occurred, the department of local government finance may find that the civil taxing unit should be allowed to impose a property tax levy exceeding the limit imposed by section 3 **or 25** of this chapter, **as applicable.** However, the maximum amount by which the civil taxing unit's levy may be increased over the limits imposed by section 3 **or 25** of this chapter, **as applicable,** equals the remainder of

the civil taxing unit's property tax levy for the particular calendar year as finally approved by the department of local government finance minus the actual property tax levy collected by the civil taxing unit for that particular calendar year.

(d) Any property taxes collected by a civil taxing unit over the limits imposed by section 3 **or 25** of this chapter, **as applicable,** under the authority of this section may not be treated as a part of the civil taxing unit's maximum permissible ad valorem property tax levy for purposes of determining its maximum permissible ad valorem property tax levy for future years.

(e) If the department of local government finance authorizes an excess tax levy under this section, it shall take appropriate steps to insure that the proceeds are first used to repay any loan made to the civil taxing unit for the purpose of meeting its current expenses.

SECTION 39. IC 6-1.1-18.5-25, AS ADDED BY P.L.180-2016, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 25. (a) The ad valorem property tax levy limits imposed under section 3 of this chapter do not apply to a municipality in a year if all the following apply:

(1) The percentage growth in the municipality's assessed value for the preceding year compared to the year before the preceding year is at least two (2) times the ~~assessed value~~ **maximum levy** growth quotient determined under section 2 of this chapter for the preceding year.

(2) The municipality's population increased by at least one hundred fifty percent (150%) between the last two (2) decennial censuses.

(b) A municipality that meets all the requirements under subsection (a) may increase its ad valorem property tax levy in excess of the limits imposed under section 3 of this chapter by a percentage equal to the lesser of:

(1) the percentage growth in the municipality's assessed value for the preceding year compared to the year before the preceding year; or

(2) six percent (6%).

(c) A municipality's ~~assessed value~~ **maximum levy** growth that results from either annexation or the pass through of assessed value

from a tax increment financing district may not be included for the purposes of determining a municipality's ~~assessed value~~ **maximum levy** growth under this section.

(d) This section applies to property tax levies imposed after December 31, 2016.

SECTION 40. IC 6-1.1-20-1.1, AS AMENDED BY P.L.246-2017, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1.1. As used in this chapter, "controlled project" means any project financed by bonds or a lease, except for the following:

(1) A project for which the political subdivision reasonably expects to pay:

(A) debt service; or

(B) lease rentals;

from funds other than property taxes that are exempt from the levy limitations of IC 6-1.1-18.5 or (before January 1, 2009) IC 20-45-3. A project is not a controlled project even though the political subdivision has pledged to levy property taxes to pay the debt service or lease rentals if those other funds are insufficient.

(2) A project that will not cost the political subdivision more than the lesser of the following:

(A) An amount equal to the following:

(i) In the case of an ordinance or resolution adopted before January 1, 2018, making a preliminary determination to issue bonds or enter into a lease for the project, two million dollars ($2,000,000).

(ii) In the case of an ordinance or resolution adopted after December 31, 2017, and before January 1, 2019, making a preliminary determination to issue bonds or enter into a lease for the project, five million dollars ($5,000,000).

(iii) In the case of an ordinance or resolution adopted in a calendar year after December 31, 2018, making a preliminary determination to issue bonds or enter into a lease for the project, an amount (as determined by the department of local government finance) equal to the result of the ~~assessed value~~ **maximum levy** growth quotient determined under IC 6-1.1-18.5-2 for the year multiplied by the amount

determined under this clause for the preceding calendar year. The department of local government finance shall publish the threshold determined under item (iii) in the Indiana Register under IC 4-22-7-7 not more than sixty (60) days after the date the budget agency releases the **maximum levy** growth quotient for the ensuing year under IC 6-1.1-18.5-2.

(B) An amount equal to the following:

(i) One percent (1%) of the total gross assessed value of property within the political subdivision on the last assessment date, if that total gross assessed value is more than one hundred million dollars ($100,000,000).

(ii) One million dollars ($1,000,000), if the total gross assessed value of property within the political subdivision on the last assessment date is not more than one hundred million dollars ($100,000,000).

(3) A project that is being refinanced for the purpose of providing gross or net present value savings to taxpayers.

(4) A project for which bonds were issued or leases were entered into before January 1, 1996, or where the state board of tax commissioners has approved the issuance of bonds or the execution of leases before January 1, 1996.

(5) A project that is required by a court order holding that a federal law mandates the project.

(6) A project that is in response to:

(A) a natural disaster;

(B) an accident; or

(C) an emergency;

in the political subdivision that makes a building or facility unavailable for its intended use.

(7) A project that was not a controlled project under this section as in effect on June 30, 2008, and for which:

(A) the bonds or lease for the project were issued or entered into before July 1, 2008; or

(B) the issuance of the bonds or the execution of the lease for the project was approved by the department of local government finance before July 1, 2008.

(8) A project of the Little Calumet River basin development

commission for which bonds are payable from special assessments collected under IC 14-13-2-18.6.

SECTION 41. IC 6-1.1-20-3.1, AS AMENDED BY P.L.246-2017, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 3.1. (a) Subject to section 3.5(a)(1)(C) of this chapter, this section applies only to the following:

(1) A controlled project (as defined in section 1.1 of this chapter as in effect June 30, 2008) for which the proper officers of a political subdivision make a preliminary determination in the manner described in subsection (b) before July 1, 2008.

(2) An elementary school building, middle school building, high school building, or other school building for academic instruction that:

(A) is a controlled project;

(B) will be used for any combination of kindergarten through grade 12; and

(C) will not cost more than the lesser of the following:

(i) The threshold amount determined under this item. In the case of an ordinance or resolution adopted before January 1, 2018, making a preliminary determination to issue bonds or enter into a lease for the project, the threshold amount is ten million dollars ($10,000,000). In the case of an ordinance or resolution adopted after December 31, 2017, and before January 1, 2019, making a preliminary determination to issue bonds or enter into a lease for the project, the threshold amount is fifteen million dollars ($15,000,000). In the case of an ordinance or resolution adopted in a calendar year after December 31, 2018, making a preliminary determination to issue bonds or enter into a lease for the project, the threshold amount is an amount (as determined by the department of local government finance) equal to the result of the ~~assessed value~~ **maximum levy** growth quotient determined under IC 6-1.1-18.5-2 for the year multiplied by the threshold amount determined under this item for the preceding calendar year. In the case of a threshold amount determined under this item that applies for a calendar year after December 31, 2018, the department of local government finance shall

publish the threshold in the Indiana Register under IC 4-22-7-7 not more than sixty (60) days after the date the budget agency releases the ~~assessed value~~ **maximum levy** growth quotient for the ensuing year under IC 6-1.1-18.5-2.

(ii) An amount equal to one percent (1%) of the total gross assessed value of property within the political subdivision on the last assessment date, if that total gross assessed value is more than one billion dollars ($1,000,000,000), or ten million dollars ($10,000,000), if the total gross assessed value of property within the political subdivision on the last assessment date is not more than one billion dollars ($1,000,000,000).

(3) Any other controlled project that:

(A) is not a controlled project described in subdivision (1) or (2); and

(B) will not cost the political subdivision more than the lesser of the following:

(i) The threshold amount determined under this item. In the case of an ordinance or resolution adopted before January 1, 2018, making a preliminary determination to issue bonds or enter into a lease for the project, the threshold amount is twelve million dollars ($12,000,000). In the case of an ordinance or resolution adopted after December 31, 2017, and before January 1, 2019, making a preliminary determination to issue bonds or enter into a lease for the project, the threshold amount is fifteen million dollars ($15,000,000). In the case of an ordinance or resolution adopted in a calendar year after December 31, 2018, making a preliminary determination to issue bonds or enter into a lease for the project, the threshold amount is an amount (as determined by the department of local government finance) equal to the result of the ~~assessed value~~ **maximum levy** growth quotient determined under IC 6-1.1-18.5-2 for the year multiplied by the threshold amount determined under this item for the preceding calendar year. In the case of a threshold amount determined under this item that applies for a calendar year after December 31, 2018, the department of

local government finance shall publish the threshold in the Indiana Register under IC 4-22-7-7 not more than sixty (60) days after the date the budget agency releases the ~~assessed value~~ **maximum levy** growth quotient for the ensuing year under IC 6-1.1-18.5-2.

(ii) An amount equal to one percent (1%) of the total gross assessed value of property within the political subdivision on the last assessment date, if that total gross assessed value is more than one hundred million dollars ($100,000,000), or one million dollars ($1,000,000), if the total gross assessed value of property within the political subdivision on the last assessment date is not more than one hundred million dollars ($100,000,000).

(b) A political subdivision may not impose property taxes to pay debt service on bonds or lease rentals on a lease for a controlled project without completing the following procedures:

(1) The proper officers of a political subdivision shall publish notice in accordance with IC 5-3-1 and send notice by first class mail to the circuit court clerk and to any organization that delivers to the officers, before January 1 of that year, an annual written request for such notices of any meeting to consider adoption of a resolution or an ordinance making a preliminary determination to issue bonds or enter into a lease and shall conduct at least two (2) public hearings on a preliminary determination before adoption of the resolution or ordinance. The political subdivision must at each of the public hearings on the preliminary determination allow the public to testify regarding the preliminary determination and must make the following information available to the public at each of the public hearings on the preliminary determination, in addition to any other information required by law:

(A) The result of the political subdivision's current and projected annual debt service payments divided by the net assessed value of taxable property within the political subdivision.

(B) The result of:

(i) the sum of the political subdivision's outstanding long term debt plus the outstanding long term debt of other taxing

units that include any of the territory of the political subdivision; divided by

(ii) the net assessed value of taxable property within the political subdivision.

(C) The information specified in subdivision (3)(A) through (3)(H).

(2) When the proper officers of a political subdivision make a preliminary determination to issue bonds or enter into a lease for a controlled project, the officers shall give notice of the preliminary determination by:

(A) publication in accordance with IC 5-3-1; and

(B) first class mail to the circuit court clerk and to the organizations described in subdivision (1).

(3) A notice under subdivision (2) of the preliminary determination of the political subdivision to issue bonds or enter into a lease for a controlled project must include the following information:

(A) The maximum term of the bonds or lease.

(B) The maximum principal amount of the bonds or the maximum lease rental for the lease.

(C) The estimated interest rates that will be paid and the total interest costs associated with the bonds or lease.

(D) The purpose of the bonds or lease.

(E) A statement that any owners of property within the political subdivision or registered voters residing within the political subdivision who want to initiate a petition and remonstrance process against the proposed debt service or lease payments must file a petition that complies with subdivisions (4) and (5) not later than thirty (30) days after publication in accordance with IC 5-3-1.

(F) With respect to bonds issued or a lease entered into to open:

(i) a new school facility; or

(ii) an existing facility that has not been used for at least three (3) years and that is being reopened to provide additional classroom space;

the estimated costs the school corporation expects to incur

annually to operate the facility.

(G) A statement of whether the school corporation expects to appeal for a new facility adjustment (as defined in IC 20-45-1-16 (repealed) before January 1, 2009) for an increased maximum permissible tuition support levy to pay the estimated costs described in clause (F).

(H) The following information:

(i) The political subdivision's current debt service levy and rate.

(ii) The estimated increase to the political subdivision's debt service levy and rate that will result if the political subdivision issues the bonds or enters into the lease.

(iii) The estimated amount of the political subdivision's debt service levy and rate that will result during the following ten (10) years if the political subdivision issues the bonds or enters into the lease, after also considering any changes that will occur to the debt service levy and rate during that period on account of any outstanding bonds or lease obligations that will mature or terminate during that period.

(I) The information specified in subdivision (1)(A) through (1)(B).

(4) After notice is given, a petition requesting the application of a petition and remonstrance process may be filed by the lesser of:

(A) five hundred (500) persons who are either owners of property within the political subdivision or registered voters residing within the political subdivision; or

(B) five percent (5%) of the registered voters residing within the political subdivision.

(5) The state board of accounts shall design and, upon request by the county voter registration office, deliver to the county voter registration office or the county voter registration office's designated printer the petition forms to be used solely in the petition process described in this section. The county voter registration office shall issue to an owner or owners of property within the political subdivision or a registered voter residing within the political subdivision the number of petition forms requested by the owner or owners or the registered voter. Each

form must be accompanied by instructions detailing the requirements that:

(A) the carrier and signers must be owners of property or registered voters;

(B) the carrier must be a signatory on at least one (1) petition;

(C) after the signatures have been collected, the carrier must swear or affirm before a notary public that the carrier witnessed each signature; and

(D) govern the closing date for the petition period.

Persons requesting forms may be required to identify themselves as owners of property or registered voters and may be allowed to pick up additional copies to distribute to other owners of property or registered voters. Each person signing a petition must indicate whether the person is signing the petition as a registered voter within the political subdivision or is signing the petition as the owner of property within the political subdivision. A person who signs a petition as a registered voter must indicate the address at which the person is registered to vote. A person who signs a petition as an owner of property must indicate the address of the property owned by the person in the political subdivision.

(6) Each petition must be verified under oath by at least one (1) qualified petitioner in a manner prescribed by the state board of accounts before the petition is filed with the county voter registration office under subdivision (7).

(7) Each petition must be filed with the county voter registration office not more than thirty (30) days after publication under subdivision (2) of the notice of the preliminary determination.

(8) The county voter registration office shall determine whether each person who signed the petition is a registered voter. However, after the county voter registration office has determined that at least five hundred twenty-five (525) persons who signed the petition are registered voters within the political subdivision, the county voter registration office is not required to verify whether the remaining persons who signed the petition are registered voters. If the county voter registration office does not determine that at least five hundred twenty-five (525) persons who signed the petition are registered voters, the county voter registration office

shall, not more than fifteen (15) business days after receiving a petition, forward a copy of the petition to the county auditor. Not more than ten (10) business days after receiving the copy of the petition, the county auditor shall provide to the county voter registration office a statement verifying:

(A) whether a person who signed the petition as a registered voter but is not a registered voter, as determined by the county voter registration office, is the owner of property in the political subdivision; and

(B) whether a person who signed the petition as an owner of property within the political subdivision does in fact own property within the political subdivision.

(9) The county voter registration office, not more than ten (10) business days after determining that at least five hundred twenty-five (525) persons who signed the petition are registered voters or receiving the statement from the county auditor under subdivision (8), as applicable, shall make the final determination of the number of petitioners that are registered voters in the political subdivision and, based on the statement provided by the county auditor, the number of petitioners that own property within the political subdivision. Whenever the name of an individual who signs a petition form as a registered voter contains a minor variation from the name of the registered voter as set forth in the records of the county voter registration office, the signature is presumed to be valid, and there is a presumption that the individual is entitled to sign the petition under this section. Except as otherwise provided in this chapter, in determining whether an individual is a registered voter, the county voter registration office shall apply the requirements and procedures used under IC 3 to determine whether a person is a registered voter for purposes of voting in an election governed by IC 3. However, an individual is not required to comply with the provisions concerning providing proof of identification to be considered a registered voter for purposes of this chapter. A person is entitled to sign a petition only one (1) time in a particular petition and remonstrance process under this chapter, regardless of whether the person owns more than one (1) parcel of real property, mobile home assessed as

personal property, or manufactured home assessed as personal property, or a combination of those types of property within the subdivision and regardless of whether the person is both a registered voter in the political subdivision and the owner of property within the political subdivision. Notwithstanding any other provision of this section, if a petition is presented to the county voter registration office within forty-five (45) days before an election, the county voter registration office may defer acting on the petition, and the time requirements under this section for action by the county voter registration office do not begin to run until five (5) days after the date of the election.

(10) The county voter registration office must file a certificate and each petition with:

(A) the township trustee, if the political subdivision is a township, who shall present the petition or petitions to the township board; or

(B) the body that has the authority to authorize the issuance of the bonds or the execution of a lease, if the political subdivision is not a township;

within thirty-five (35) business days of the filing of the petition requesting a petition and remonstrance process. The certificate must state the number of petitioners that are owners of property within the political subdivision and the number of petitioners who are registered voters residing within the political subdivision.

If a sufficient petition requesting a petition and remonstrance process is not filed by owners of property or registered voters as set forth in this section, the political subdivision may issue bonds or enter into a lease by following the provisions of law relating to the bonds to be issued or lease to be entered into.

(c) A political subdivision may not divide a controlled project in order to avoid the requirements of this section and section 3.2 of this chapter. A person that owns property within a political subdivision or a person that is a registered voter residing within a political subdivision may file a petition with the department of local government finance objecting that the political subdivision has divided a controlled project in order to avoid the requirements of this section and section 3.2 of this chapter. The petition must be filed not more than ten (10) days after the

political subdivision gives notice of the political subdivision's decision to issue bonds or enter into leases for a capital project that the person believes is the result of a division of a controlled project that is prohibited by this subsection. If the department of local government finance receives a petition under this subsection, the department shall not later than thirty (30) days after receiving the petition make a final determination on the issue of whether the political subdivision divided a controlled project in order to avoid the requirements of this section and section 3.2 of this chapter. If the department of local government finance determines that a political subdivision divided a controlled project in order to avoid the requirements of this section and section 3.2 of this chapter and the political subdivision continues to desire to proceed with the project, the political subdivision shall fulfill the requirements of this section and section 3.2 of this chapter, if applicable, regardless of the cost of the project in dispute. A political subdivision shall be considered to have divided a capital project in order to avoid the requirements of this section and section 3.2 of this chapter if the result of one (1) or more of the subprojects cannot reasonably be considered an independently desirable end in itself without reference to another capital project. This subsection does not prohibit a political subdivision from undertaking a series of capital projects in which the result of each capital project can reasonably be considered an independently desirable end in itself without reference to another capital project.

SECTION 42. IC 6-1.1-20-3.5, AS AMENDED BY P.L.272-2019, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 3.5. (a) This section applies only to a controlled project that meets the following conditions:

(1) The controlled project is described in one (1) of the following categories:

(A) An elementary school building, middle school building, high school building, or other school building for academic instruction that will be used for any combination of kindergarten through grade 12 and will cost more than the lesser of the following:

(i) The threshold amount determined under this item. In the case of an ordinance or resolution adopted before January 1,

2018, making a preliminary determination to issue bonds or enter into a lease for the project, the threshold amount is ten million dollars ($10,000,000). In the case of an ordinance or resolution adopted after December 31, 2017, and before January 1, 2019, making a preliminary determination to issue bonds or enter into a lease for the project, the threshold amount is fifteen million dollars ($15,000,000). In the case of an ordinance or resolution adopted in a calendar year after December 31, 2018, making a preliminary determination to issue bonds or enter into a lease for the project, the threshold amount is an amount (as determined by the department of local government finance) equal to the result of the ~~assessed value~~ **maximum levy** growth quotient determined under IC 6-1.1-18.5-2 for the year multiplied by the threshold amount determined under this item for the preceding calendar year. In the case of a threshold amount determined under this item that applies for a calendar year after December 31, 2018, the department of local government finance shall publish the threshold in the Indiana Register under IC 4-22-7-7 not more than sixty (60) days after the date the budget agency releases the ~~assessed value~~ **maximum levy** growth quotient for the ensuing year under IC 6-1.1-18.5-2.

(ii) An amount equal to one percent (1%) of the total gross assessed value of property within the political subdivision on the last assessment date, if that total gross assessed value is more than one billion dollars ($1,000,000,000), or ten million dollars ($10,000,000), if the total gross assessed value of property within the political subdivision on the last assessment date is not more than one billion dollars ($1,000,000,000).

(B) Any other controlled project that is not a controlled project described in clause (A) and will cost the political subdivision more than the lesser of the following:

(i) The threshold amount determined under this item. In the case of an ordinance or resolution adopted before January 1, 2018, making a preliminary determination to issue bonds or enter into a lease for the project, the threshold amount is

twelve million dollars ($12,000,000). In the case of an ordinance or resolution adopted after December 31, 2017, and before January 1, 2019, making a preliminary determination to issue bonds or enter into a lease for the project, the threshold amount is fifteen million dollars ($15,000,000). In the case of an ordinance or resolution adopted in a calendar year after December 31, 2018, making a preliminary determination to issue bonds or enter into a lease for the project, the threshold amount is an amount (as determined by the department of local government finance) equal to the result of the ~~assessed value~~ **maximum levy** growth quotient determined under IC 6-1.1-18.5-2 for the year multiplied by the threshold amount determined under this item for the preceding calendar year. In the case of a threshold amount determined under this item that applies for a calendar year after December 31, 2018, the department of local government finance shall publish the threshold in the Indiana Register under IC 4-22-7-7 not more than sixty (60) days after the date the budget agency releases the ~~assessed value~~ **maximum levy** growth quotient for the ensuing year under IC 6-1.1-18.5-2.

(ii) An amount equal to one percent (1%) of the total gross assessed value of property within the political subdivision on the last assessment date, if that total gross assessed value is more than one hundred million dollars ($100,000,000), or one million dollars ($1,000,000), if the total gross assessed value of property within the political subdivision on the last assessment date is not more than one hundred million dollars ($100,000,000).

(C) Any other controlled project for which a political subdivision adopts an ordinance or resolution making a preliminary determination to issue bonds or enter into a lease for the project, if the sum of:

(i) the cost of that controlled project; plus

(ii) the costs of all other controlled projects for which the political subdivision has previously adopted within the preceding three hundred sixty-five (365) days an ordinance

or resolution making a preliminary determination to issue bonds or enter into a lease for those other controlled projects; exceeds twenty-five million dollars ($25,000,000).

(2) The proper officers of the political subdivision make a preliminary determination after June 30, 2008, in the manner described in subsection (b) to issue bonds or enter into a lease for the controlled project.

(b) Subject to subsection (d), a political subdivision may not impose property taxes to pay debt service on bonds or lease rentals on a lease for a controlled project without completing the following procedures:

(1) The proper officers of a political subdivision shall publish notice in accordance with IC 5-3-1 and send notice by first class mail to the circuit court clerk and to any organization that delivers to the officers, before January 1 of that year, an annual written request for notices of any meeting to consider the adoption of an ordinance or a resolution making a preliminary determination to issue bonds or enter into a lease and shall conduct at least two (2) public hearings on the preliminary determination before adoption of the ordinance or resolution. The political subdivision must at each of the public hearings on the preliminary determination allow the public to testify regarding the preliminary determination and must make the following information available to the public at each of the public hearings on the preliminary determination, in addition to any other information required by law:

(A) The result of the political subdivision's current and projected annual debt service payments divided by the net assessed value of taxable property within the political subdivision.

(B) The result of:

(i) the sum of the political subdivision's outstanding long term debt plus the outstanding long term debt of other taxing units that include any of the territory of the political subdivision; divided by

(ii) the net assessed value of taxable property within the political subdivision.

(C) The information specified in subdivision (3)(A) through (3)(G).

(2) If the proper officers of a political subdivision make a preliminary determination to issue bonds or enter into a lease, the officers shall give notice of the preliminary determination by:

(A) publication in accordance with IC 5-3-1; and

(B) first class mail to the circuit court clerk and to the organizations described in subdivision (1).

(3) A notice under subdivision (2) of the preliminary determination of the political subdivision to issue bonds or enter into a lease must include the following information:

(A) The maximum term of the bonds or lease.

(B) The maximum principal amount of the bonds or the maximum lease rental for the lease.

(C) The estimated interest rates that will be paid and the total interest costs associated with the bonds or lease.

(D) The purpose of the bonds or lease.

(E) A statement that the proposed debt service or lease payments must be approved in an election on a local public question held under section 3.6 of this chapter.

(F) With respect to bonds issued or a lease entered into to open:

(i) a new school facility; or

(ii) an existing facility that has not been used for at least three (3) years and that is being reopened to provide additional classroom space;

the estimated costs the school corporation expects to annually incur to operate the facility.

(G) The following information:

(i) The political subdivision's current debt service levy and rate.

(ii) The estimated increase to the political subdivision's debt service levy and rate that will result if the political subdivision issues the bonds or enters into the lease.

(iii) The estimated amount of the political subdivision's debt service levy and rate that will result during the following ten (10) years if the political subdivision issues the bonds or enters into the lease, after also considering any changes that will occur to the debt service levy and rate during that period

on account of any outstanding bonds or lease obligations that will mature or terminate during that period.

(H) The information specified in subdivision (1)(A) through (1)(B).

(4) After notice is given, a petition requesting the application of the local public question process under section 3.6 of this chapter may be filed by the lesser of:

(A) five hundred (500) persons who are either owners of property within the political subdivision or registered voters residing within the political subdivision; or

(B) five percent (5%) of the registered voters residing within the political subdivision.

(5) The state board of accounts shall design and, upon request by the county voter registration office, deliver to the county voter registration office or the county voter registration office's designated printer the petition forms to be used solely in the petition process described in this section. The county voter registration office shall issue to an owner or owners of property within the political subdivision or a registered voter residing within the political subdivision the number of petition forms requested by the owner or owners or the registered voter. Each form must be accompanied by instructions detailing the requirements that:

(A) the carrier and signers must be owners of property or registered voters;

(B) the carrier must be a signatory on at least one (1) petition;

(C) after the signatures have been collected, the carrier must swear or affirm before a notary public that the carrier witnessed each signature; and

(D) govern the closing date for the petition period.

Persons requesting forms may be required to identify themselves as owners of property or registered voters and may be allowed to pick up additional copies to distribute to other owners of property or registered voters. Each person signing a petition must indicate whether the person is signing the petition as a registered voter within the political subdivision or is signing the petition as the owner of property within the political subdivision. A person who

signs a petition as a registered voter must indicate the address at which the person is registered to vote. A person who signs a petition as an owner of property must indicate the address of the property owned by the person in the political subdivision.

(6) Each petition must be verified under oath by at least one (1) qualified petitioner in a manner prescribed by the state board of accounts before the petition is filed with the county voter registration office under subdivision (7).

(7) Each petition must be filed with the county voter registration office not more than thirty (30) days after publication under subdivision (2) of the notice of the preliminary determination.

(8) The county voter registration office shall determine whether each person who signed the petition is a registered voter. However, after the county voter registration office has determined that at least five hundred twenty-five (525) persons who signed the petition are registered voters within the political subdivision, the county voter registration office is not required to verify whether the remaining persons who signed the petition are registered voters. If the county voter registration office does not determine that at least five hundred twenty-five (525) persons who signed the petition are registered voters, the county voter registration office, not more than fifteen (15) business days after receiving a petition, shall forward a copy of the petition to the county auditor. Not more than ten (10) business days after receiving the copy of the petition, the county auditor shall provide to the county voter registration office a statement verifying:

(A) whether a person who signed the petition as a registered voter but is not a registered voter, as determined by the county voter registration office, is the owner of property in the political subdivision; and

(B) whether a person who signed the petition as an owner of property within the political subdivision does in fact own property within the political subdivision.

(9) The county voter registration office, not more than ten (10) business days after determining that at least five hundred twenty-five (525) persons who signed the petition are registered voters or after receiving the statement from the county auditor

under subdivision (8), as applicable, shall make the final determination of whether a sufficient number of persons have signed the petition. Whenever the name of an individual who signs a petition form as a registered voter contains a minor variation from the name of the registered voter as set forth in the records of the county voter registration office, the signature is presumed to be valid, and there is a presumption that the individual is entitled to sign the petition under this section. Except as otherwise provided in this chapter, in determining whether an individual is a registered voter, the county voter registration office shall apply the requirements and procedures used under IC 3 to determine whether a person is a registered voter for purposes of voting in an election governed by IC 3. However, an individual is not required to comply with the provisions concerning providing proof of identification to be considered a registered voter for purposes of this chapter. A person is entitled to sign a petition only one (1) time in a particular referendum process under this chapter, regardless of whether the person owns more than one (1) parcel of real property, mobile home assessed as personal property, or manufactured home assessed as personal property or a combination of those types of property within the political subdivision and regardless of whether the person is both a registered voter in the political subdivision and the owner of property within the political subdivision. Notwithstanding any other provision of this section, if a petition is presented to the county voter registration office within forty-five (45) days before an election, the county voter registration office may defer acting on the petition, and the time requirements under this section for action by the county voter registration office do not begin to run until five (5) days after the date of the election.

(10) The county voter registration office must file a certificate and each petition with:

(A) the township trustee, if the political subdivision is a township, who shall present the petition or petitions to the township board; or

(B) the body that has the authority to authorize the issuance of the bonds or the execution of a lease, if the political

subdivision is not a township;

within thirty-five (35) business days of the filing of the petition requesting the referendum process. The certificate must state the number of petitioners who are owners of property within the political subdivision and the number of petitioners who are registered voters residing within the political subdivision.

(11) If a sufficient petition requesting the local public question process is not filed by owners of property or registered voters as set forth in this section, the political subdivision may issue bonds or enter into a lease by following the provisions of law relating to the bonds to be issued or lease to be entered into.

(c) If the proper officers of a political subdivision make a preliminary determination to issue bonds or enter into a lease, the officers shall provide to the county auditor:

(1) a copy of the notice required by subsection (b)(2); and

(2) any other information the county auditor requires to fulfill the county auditor's duties under section 3.6 of this chapter.

(d) In addition to the procedures in subsection (b), if any capital improvement components addressed in the most recent:

(1) threat assessment of the buildings within the school corporation; or

(2) school safety plan (as described in IC 20-26-18.2-2(b));

concerning a particular school have not been completed or require additional funding to be completed, before the school corporation may impose property taxes to pay debt service on bonds or lease rentals for a lease for a controlled project, and in addition to any other components of the controlled project, the controlled project must include any capital improvements necessary to complete those components described in subdivisions (1) and (2) that have not been completed or that require additional funding to be completed.

SECTION 43. IC 6-1.1-20.6-8.5, AS AMENDED BY P.L.114-2019, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8.5. (a) This section applies to an individual who:

(1) qualified for a standard deduction granted under IC 6-1.1-12-37 for the individual's homestead property in the immediately preceding calendar year (or was married at the time

of death to a deceased spouse who qualified for a standard deduction granted under IC 6-1.1-12-37 for the individual's homestead property in the immediately preceding calendar year);

(2) qualifies for a standard deduction granted under IC 6-1.1-12-37 for the same homestead property in the current calendar year;

(3) is or will be at least sixty-five (65) years of age on or before December 31 of the calendar year immediately preceding the current calendar year; and

(4) had:

(A) in the case of an individual who filed a single return, adjusted gross income (as defined in Section 62 of the Internal Revenue Code) not exceeding thirty thousand dollars ($30,000); or

(B) in the case of an individual who filed a joint income tax return with the individual's spouse, combined adjusted gross income (as defined in Section 62 of the Internal Revenue Code) not exceeding forty thousand dollars ($40,000);

for the calendar year preceding by two (2) years the calendar year in which property taxes are first due and payable.

(b) Except as provided in subsection (g), this section does not apply if:

(1) for an individual who received a credit under this section before January 1, 2020, the gross assessed value of the homestead on the assessment date for which property taxes are imposed is at least two hundred thousand dollars ($200,000); or

(2) for an individual who initially applies for a credit under this section after December 31, 2019, the assessed value of the individual's Indiana real property is at least two hundred thousand dollars ($200,000).

(c) An individual is entitled to an additional credit under this section for property taxes first due and payable for a calendar year on a homestead if:

(1) the individual and the homestead qualify for the credit under subsection (a) for the calendar year;

(2) the homestead is not disqualified for the credit under subsection (b) for the calendar year; and

(3) the filing requirements under subsection (e) are met.

(d) The amount of the credit is equal to the greater of zero (0) or the result of:

(1) the property tax liability first due and payable on the homestead property for the calendar year; minus

(2) the result of:

(A) the property tax liability first due and payable on the qualified homestead property for the immediately preceding year after the application of the credit granted under this section for that year; multiplied by

(B) one and two hundredths (1.02).

However, property tax liability imposed on any improvements to or expansion of the homestead property after the assessment date for which property tax liability described in subdivision (2) was imposed shall not be considered in determining the credit granted under this section in the current calendar year.

(e) Applications for a credit under this section shall be filed in the manner provided for an application for a deduction under IC 6-1.1-12-9. However, an individual who remains eligible for the credit in the following year is not required to file a statement to apply for the credit in the following year. An individual who receives a credit under this section in a particular year and who becomes ineligible for the credit in the following year shall notify the auditor of the county in which the homestead is located of the individual's ineligibility not later than sixty (60) days after the individual becomes ineligible.

(f) The auditor of each county shall, in a particular year, apply a credit provided under this section to each individual who received the credit in the preceding year unless the auditor determines that the individual is no longer eligible for the credit.

(g) For purposes of determining the:

(1) assessed value of the homestead on the assessment date for which property taxes are imposed under subsection (b)(1); or

(2) assessed value of the individual's Indiana real property under subsection (b)(2);

for an individual who has received a credit under this section in a particular year, increases in assessed value ~~due solely to an annual adjustment of the assessed value under IC 6-1.1-4-4.5~~ that occur after

the later of December 31, 2019, or the first year that the individual has received the credit are not considered **unless the increase in assessed value is attributable to physical improvements to the property.**

SECTION 44. IC 6-1.1-22-8.1, AS AMENDED BY P.L.232-2017, SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 8.1. (a) The county treasurer shall:

(1) except as provided in subsection (h), mail to the last known address of each person liable for any property taxes or special assessment, as shown on the tax duplicate or special assessment records, or to the last known address of the most recent owner shown in the transfer book; and

(2) transmit by written, electronic, or other means to a mortgagee maintaining an escrow account for a person who is liable for any property taxes or special assessments, as shown on the tax duplicate or special assessment records;

a statement in the form required under subsection (b).

(b) The department of local government finance shall prescribe a form, subject to the approval of the state board of accounts, for the statement under subsection (a) that includes at least the following:

(1) A statement of the taxpayer's current and delinquent taxes and special assessments.

(2) A breakdown showing the total property tax and special assessment liability and the amount of the taxpayer's liability that will be distributed to each taxing unit in the county.

(3) An itemized listing for each property tax levy, including:

(A) the amount of the tax rate;

(B) the entity levying the tax owed; and

(C) the dollar amount of the tax owed.

(4) Information designed to show the manner in which the taxes and special assessments billed in the tax statement are to be used.

(5) Information regarding how a taxpayer can obtain information regarding the taxpayer's notice of assessment or reassessment under IC 6-1.1-4-22.

~~(5)~~ **(6)** A comparison showing any change in the assessed valuation for the property as compared to the previous year.

~~(6)~~ **(7)** A comparison showing any change in the property tax and special assessment liability for the property as compared to the

previous year. The information required under this subdivision must identify:

(A) the amount of the taxpayer's liability distributable to each taxing unit in which the property is located in the current year and in the previous year; and

(B) the percentage change, if any, in the amount of the taxpayer's liability distributable to each taxing unit in which the property is located from the previous year to the current year.

~~(7)~~ **(8)** An explanation of the following:

(A) Homestead credits under IC 6-1.1-20.4, IC 6-3.6-5, or another law that are available in the taxing district where the property is located.

(B) All property tax deductions that are available in the taxing district where the property is located.

(C) The procedure and deadline for filing for any available homestead credits under IC 6-1.1-20.4, IC 6-3.6-5, or another law and each deduction.

(D) The procedure that a taxpayer must follow to:

(i) appeal a current assessment; or

(ii) petition for the correction of an error related to the taxpayer's property tax and special assessment liability.

(E) The forms that must be filed for an appeal or a petition described in clause (D).

(F) The procedure and deadline that a taxpayer must follow and the forms that must be used if a credit or deduction has been granted for the property and the taxpayer is no longer eligible for the credit or deduction.

(G) Notice that an appeal described in clause (D) requires evidence relevant to the true tax value of the taxpayer's property as of the assessment date that is the basis for the taxes payable on that property.

The department of local government finance shall provide the explanation required by this subdivision to each county treasurer.

~~(8)~~ **(9)** A checklist that shows:

(A) homestead credits under IC 6-1.1-20.4, IC 6-3.6-5, or another law and all property tax deductions; and

(B) whether each homestead credit and property tax deduction applies in the current statement for the property transmitted under subsection (a).

(10) A remittance coupon indicating the payment amounts due at each payment due date and other information determined by the department of local government finance.

(c) The county treasurer shall mail or transmit the statement one (1) time each year on or before April 15. Whenever a person's tax liability for a year is due in one (1) installment under IC 6-1.1-7-7 or section 9 of this chapter, a statement that is mailed must include the date on which the installment is due and denote the amount of money to be paid for the installment. Whenever a person's tax liability is due in two (2) installments, a statement that is mailed must contain the dates on which the first and second installments are due and denote the amount of money to be paid for each installment. If a statement is returned to the county treasurer as undeliverable and the forwarding order is expired, the county treasurer shall notify the county auditor of this fact. Upon receipt of the county treasurer's notice, the county auditor may, at the county auditor's discretion, treat the property as not being eligible for any deductions under IC 6-1.1-12 or any homestead credits under IC 6-1.1-20.4 and IC 6-3.6-5.

(d) All payments of property taxes and special assessments shall be made to the county treasurer. The county treasurer, when authorized by the board of county commissioners, may open temporary offices for the collection of taxes in cities and towns in the county other than the county seat.

(e) The county treasurer, county auditor, and county assessor shall cooperate to generate the information to be included in the statement under subsection (b).

(f) The information to be included in the statement under subsection (b) must be simply and clearly presented and understandable to the average individual.

(g) After December 31, 2007, a reference in a law or rule to IC 6-1.1-22-8 (expired January 1, 2008, and repealed) shall be treated as a reference to this section.

(h) Transmission of statements and other information under this subsection applies in a county only if the county legislative body adopts

an authorizing ordinance. Subject to subsection (i), in a county in which an ordinance is adopted under this subsection for property taxes and special assessments, a person may, in any manner permitted by subsection (n), direct the county treasurer and county auditor to transmit the following to the person by electronic mail:

(1) A statement that would otherwise be sent by the county treasurer to the person by regular mail under subsection (a)(1), including a statement that reflects installment payment due dates under section 9.5 or 9.7 of this chapter.

(2) A provisional tax statement that would otherwise be sent by the county treasurer to the person by regular mail under IC 6-1.1-22.5-6.

(3) A reconciling tax statement that would otherwise be sent by the county treasurer to the person by regular mail under any of the following:

(A) Section 9 of this chapter.

(B) Section 9.7 of this chapter.

(C) IC 6-1.1-22.5-12, including a statement that reflects installment payment due dates under IC 6-1.1-22.5-18.5.

(4) Any other information that:

(A) concerns the property taxes or special assessments; and

(B) would otherwise be sent:

(i) by the county treasurer or the county auditor to the person by regular mail; and

(ii) before the last date the property taxes or special assessments may be paid without becoming delinquent.

The information listed in this subsection may be transmitted to a person by using electronic mail that provides a secure Internet link to the information.

(i) For property with respect to which more than one (1) person is liable for property taxes and special assessments, subsection (h) applies only if all the persons liable for property taxes and special assessments designate the electronic mail address for only one (1) individual authorized to receive the statements and other information referred to in subsection (h).

(j) The department of local government finance shall create a form to be used to implement subsection (h). The county treasurer and county

auditor shall:

(1) make the form created under this subsection available to the public;

(2) transmit a statement or other information by electronic mail under subsection (h) to a person who files, on or before March 15, the form created under this subsection:

(A) with the county treasurer; or

(B) with the county auditor; and

(3) publicize the availability of the electronic mail option under this subsection through appropriate media in a manner reasonably designed to reach members of the public.

(k) The form referred to in subsection (j) must:

(1) explain that a form filed as described in subsection (j)(2) remains in effect until the person files a replacement form to:

(A) change the person's electronic mail address; or

(B) terminate the electronic mail option under subsection (h); and

(2) allow a person to do at least the following with respect to the electronic mail option under subsection (h):

(A) Exercise the option.

(B) Change the person's electronic mail address.

(C) Terminate the option.

(D) For a person other than an individual, designate the electronic mail address for only one (1) individual authorized to receive the statements and other information referred to in subsection (h).

(E) For property with respect to which more than one (1) person is liable for property taxes and special assessments, designate the electronic mail address for only one (1) individual authorized to receive the statements and other information referred to in subsection (h).

(l) The form created under subsection (j) is considered filed with the county treasurer or the county auditor on the postmark date or on the date it is electronically submitted. If the postmark is missing or illegible, the postmark is considered to be one (1) day before the date of receipt of the form by the county treasurer or the county auditor.

(m) The county treasurer shall maintain a record that shows at least

the following:

(1) Each person to whom a statement or other information is transmitted by electronic mail under this section.

(2) The information included in the statement.

(3) Whether the county treasurer received a notice that the person's electronic mail was undeliverable.

(n) A person may direct the county treasurer and county auditor to transmit information by electronic mail under subsection (h) on a form prescribed by the department submitted:

(1) in person;

(2) by mail; or

(3) in an online format developed by the county and approved by the department.

SECTION 45. IC 6-1.1-24-5.3, AS AMENDED BY P.L.149-2016, SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 5.3. (a) This section applies to the following:

(1) A person who:

(A) owns a fee interest, a life estate interest, or the equitable interest of a contract purchaser in an unsafe building or unsafe premises; and

(B) is subject to an order issued under IC 36-7-9-5(a)(2), IC 36-7-9-5(a)(3), IC 36-7-9-5(a)(4), or IC 36-7-9-5(a)(5) regarding which the conditions set forth in IC 36-7-9-10(a)(1) through IC 36-7-9-10(a)(4) exist.

(2) A person who:

(A) owns a fee interest, a life estate interest, or the equitable interest of a contract purchaser in an unsafe building or unsafe premises; and

(B) is subject to an order issued under IC 36-7-9-5(a), other than an order issued under IC 36-7-9-5(a)(2), IC 36-7-9-5(a)(3), IC 36-7-9-5(a)(4), or IC 36-7-9-5(a)(5), regarding which the conditions set forth in IC 36-7-9-10(b)(1) through IC 36-7-9-10(b)(4) exist.

(3) A person who is the defendant in a court action brought under IC 36-7-9-18, IC 36-7-9-19, IC 36-7-9-20, IC 36-7-9-21, or IC 36-7-9-22 that has resulted in a judgment in favor of the

plaintiff and the unsafe condition that caused the action to be brought has not been corrected.

(4) A person who has any of the following relationships to a person, partnership, corporation, or legal entity described in subdivision (1), (2), ~~or~~ (3), **or (5):**

(A) A partner of a partnership.

(B) A member of a limited liability company.

~~(B)~~ **(C)** An officer, **director,** or majority stockholder of a corporation.

~~(C)~~ **(D)** The person who **controls or** directs the activities or has a majority ownership in a legal entity other than a partnership or corporation.

(5) A person who owes:

(A) delinquent taxes;

(B) special assessments;

(C) penalties;

(D) interest; or

(E) costs directly attributable to a prior tax sale;

on a tract or an item of real property listed under section 1 of this chapter.

(6) A person who owns a fee interest, a life estate interest, or the equitable interest of a contract purchaser in a vacant or abandoned structure subject to an enforcement order under IC 32-30-6, IC 32-30-7, IC 32-30-8, or IC 36-7-9, or a court order under IC 36-7-37.

(7) A person who is an agent of the person described in this subsection.

(b) A person subject to this section may not **bid on or** purchase a tract offered for sale under section 5 or 6.1 of this chapter. However, this section does not prohibit a person from bidding on a tract that is owned by the person and offered for sale under section 5 of this chapter.

(c) The county treasurer shall require each person who will be bidding at the tax sale to sign a statement in a form substantially similar to the following:

"Indiana law prohibits a person who owes delinquent taxes, special assessments, penalties, interest, or costs directly attributable to a prior tax sale of a tract or item of real property

listed under IC 6-1.1-24-1 from **bidding on or** purchasing tracts or items of real property at a tax sale. I hereby affirm under the penalties for perjury that I do not owe delinquent taxes, special assessments, penalties, interest, costs directly attributable to a prior tax sale, amounts from a final adjudication in favor of a political subdivision, any civil penalties imposed for the violation of a building code or county ordinance, or any civil penalties imposed by a county health department. **I also affirm that I am not purchasing tracts or items of real property on behalf of or as an agent for a person who is prohibited from purchasing at a tax sale.** Further, I hereby acknowledge that any successful bid I make in violation of this statement is subject to forfeiture. In the event of forfeiture, the amount by which my bid exceeds the minimum bid on the tract or item or real property under IC 6-1.1-24-5(e), if any, shall be applied to the delinquent taxes, special assessments, penalties, interest, costs, judgments, or civil penalties I owe, and a certificate will be issued to the county executive.".

(d) If a person purchases a tract that the person was not eligible to purchase under this section, the sale of the property is subject to forfeiture. If the county treasurer determines or is notified not more than six (6) months after the date of the sale that the sale of the property should be forfeited, the county treasurer shall:

(1) notify the person in writing that the sale is subject to forfeiture if the person does not pay the amounts that the person owes within thirty (30) days of the notice;

(2) if the person does not pay the amounts that the person owes within thirty (30) days after the notice, apply the surplus amount of the person's bid to the person's delinquent taxes, special assessments, penalties, and interest;

(3) remit the amounts owed from a final adjudication or civil penalties in favor of a political subdivision to the appropriate political subdivision; and

(4) notify the county auditor that the sale has been forfeited.

Upon being notified that a sale has been forfeited, the county auditor shall issue a certificate to the county executive under section 6 of this chapter.

(e) A county treasurer may decline to forfeit a sale under this section because of inadvertence or mistake, lack of actual knowledge by the bidder, substantial harm to other parties with interests in the tract or item of real property, or other substantial reasons. If the treasurer declines to forfeit a sale, the treasurer shall:

(1) prepare a written statement explaining the reasons for declining to forfeit the sale; and

(2) retain the written statement as an official record.

(f) If a sale is forfeited under this section and the tract or item of real property is redeemed from the sale, the county auditor shall deposit the amount of the redemption into the county general fund and notify the county executive of the redemption. Upon being notified of the redemption, the county executive shall surrender the certificate to the county auditor.

SECTION 46. IC 6-1.1-26-4.2 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2020 (RETROACTIVE)]: **Sec. 4.2. (a) This section applies to any refund for a property resulting from a real property tax assessment appeal for the property for an assessment date occurring after December 31, 2014. This section does not apply if any refund for a property under appeal has been paid before January 1, 2020. Except as modified by this section, all other provisions of IC 6-1.1 apply regarding the payment of refunds and application of credits.**

(b) If, upon conclusion of a real property tax assessment appeal, the total amount of property taxes owed to the taxpayer as a result of the appeal is five hundred thousand dollars ($500,000) or more for the assessment dates under appeal, the auditor of the county in which the property is located may, instead of a refund, elect to apply credits in equal installments to future property tax installments for the property over a period of not more than:

(1) five (5) years following the date of the conclusion of the assessment appeal, if the total amount of property taxes owed to the taxpayer as a result of the appeal is:

(A) greater than or equal to five hundred thousand dollars ($500,000); and

(B) less than five million dollars ($5,000,000);

(2) seven (7) years following the date of the conclusion of the assessment appeal, if the total amount of property taxes owed to the taxpayer as a result of the appeal is:

(A) greater than or equal to five million dollars ($5,000,000); and

(B) less than ten million dollars ($10,000,000); or

(3) ten (10) years following the date of the conclusion of the assessment appeal, if the total amount of property taxes owed to the taxpayer as a result of the appeal is greater than or equal to ten million dollars ($10,000,000).

The auditor may elect to accelerate credits or to provide a full or partial refund within the period specified under subdivision (1), (2), or (3), as applicable.

(c) Notwithstanding subsection (b), if a claimant is no longer the taxpayer for the property on which the appeal was filed, the overpayment shall not be applied as a credit and the overpayment may be refunded in equal installments over the period specified in subsection (b)(1), (b)(2), or (b)(3), as applicable.

SECTION 47. IC 6-1.1-30-16 IS REPEALED [EFFECTIVE JULY 1, 2020]. ~~Sec. 16. The department of local government finance is the agency through which public access to information provided for a county to both the department of local government finance and the legislative services agency shall be provided. This information to which this section applies includes information provided under the following:~~

~~(1) IC 5-14-1.5-2.~~

~~(2) IC 6-1.1-4-18.5.~~

~~(3) IC 6-1.1-4-19.5.~~

~~(4) IC 6-1.1-4-25.~~

~~(5) IC 6-1.1-5.5-3.~~

~~(6) IC 6-1.1-11-8.~~

~~(7) IC 6-1.1-31.5-3.5.~~

~~(8) IC 6-1.1-33.5-3.~~

~~(9) IC 36-2-9-20.~~

SECTION 48. IC 6-1.1-31-1, AS AMENDED BY P.L.257-2019, SECTION 61, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1. (a) The department of local government finance shall do the following:

(1) Prescribe the property tax forms and returns which taxpayers are to complete and on which the taxpayers' assessments will be based.

(2) Prescribe the forms to be used to give taxpayers notice of assessment actions.

(3) Adopt rules concerning the assessment of tangible property.

(4) Develop specifications that prescribe state requirements for computer software and hardware to be used by counties for assessment purposes. The specifications developed under this subdivision apply only to computer software and hardware systems purchased for assessment purposes after July 1, 1993. The specifications, including specifications in a rule or other standard adopted under IC 6-1.1-31.5, must provide for:

(A) maintenance of data in a form that formats the information in the file with the standard data, field, and record coding jointly required and approved by the department of local government finance and the legislative services agency;

(B) data export and transmission that is compatible with the data export and transmission requirements in a standard format prescribed by the office of technology established by IC 4-13.1-2-1 and jointly approved by the department of local government finance and legislative services agency; and

(C) maintenance of data in a manner that ensures prompt and accurate transfer of data to the department of local government finance, ~~and the legislative services agency,~~ as jointly approved by the department of local government finance and the legislative services agency.

(5) Adopt rules establishing criteria for the revocation of a certification under IC 6-1.1-35.5-6.

~~(6) Prescribe the state address confidentiality form to be used by a covered person (as defined in IC 36-1-8.5-2) under IC 36-1-8.5 to restrict access to the person's address maintained in a public property data base.~~

(6) Notwithstanding IC 2-5-1.7, provide to the legislative services agency:

(A) parcel level real property assessment and tax data; and

(B) return level personal property assessment and tax

data, including depreciation schedules;

received from counties within one (1) business day of receipt.

(7) Notwithstanding IC 2-5-1.7, provide the following to the legislative services agency upon request:

(A) Sales disclosure form data received from county and township assessors under IC 6-1.1-5.5-3.

(B) Public utility assessment return data, including depreciation schedules, received under IC 6-1.1-8.

(C) Public utility tax data for taxes determined under IC 6-1.1-8.

(b) The department of local government finance may adopt rules that are related to property taxation or the duties or the procedures of the department.

(c) The department of local government finance may adopt rules for procedures related to local government budgeting. Notwithstanding any contrary provision in IC 4-22-2, the adoption, amendment, or repeal of a rule by the department of local government finance under this subsection may not take effect before March 1 or after July 31 of a particular year.

(d) Rules of the state board of tax commissioners are for all purposes rules of the department of local government finance and the Indiana board until the department and the Indiana board adopt rules to repeal or supersede the rules of the state board of tax commissioners.

SECTION 49. IC 6-1.1-31.5-3.5, AS AMENDED BY P.L.146-2008, SECTION 273, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 3.5. (a) Until the system described in subsection (e) is implemented, each county shall maintain a state certified computer system that has the capacity to:

(1) process and maintain assessment records;

(2) process and maintain standardized property tax forms;

(3) process and maintain standardized property assessment notices;

(4) maintain complete and accurate assessment records for the county; and

(5) process and compute complete and accurate assessments in accordance with Indiana law.

The county assessor shall select the computer system.

(b) All information on a computer system referred to in subsection (a) shall be readily accessible to:

(1) the department of local government finance; and

(2) assessing officials.

(c) The certified system referred to in subsection (a) used by the counties must be:

(1) compatible with the data export and transmission requirements in a standard format prescribed by the office of technology established by IC 4-13.1-2-1 and approved by the legislative services agency; and

(2) maintained in a manner that ensures prompt and accurate transfer of data to the department of local government finance. ~~and the legislative services agency.~~

(d) All standardized property forms and notices on the certified computer system referred to in subsection (a) shall be maintained by the county assessor in an accessible location and in a format that is easily understandable for use by persons of the county.

(e) The department shall adopt rules before July 1, 2006, for the establishment of:

(1) a uniform and common property tax management system for all counties that:

(A) includes a combined mass appraisal and county auditor system integrated with a county treasurer system; and

(B) replaces the computer system referred to in subsection (a); and

(2) a schedule for implementation of the system referred to in subdivision (1) structured to result in the implementation of the system in all counties with respect to an assessment date:

(A) determined by the department; and

(B) specified in the rule.

(f) The department shall appoint an advisory committee to assist the department in the formulation of the rules referred to in subsection (e). The department shall determine the number of members of the committee. The committee:

(1) must include at least:

(A) one (1) township assessor;

(B) one (1) county assessor;

(C) one (1) county auditor; and

(D) one (1) county treasurer; and

(2) shall meet at times and locations determined by the department.

(g) Each member of the committee appointed under subsection (f) 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 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.

(h) Each member of the committee appointed under subsection (f) 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.

(i) The department shall report to the budget committee in writing the department's estimate of the cost of implementation of the system referred to in subsection (e).

SECTION 50. IC 6-1.1-33.5-8, AS ADDED BY P.L.146-2008, SECTION 276, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 8. (a) This section applies to a system designed to permit the department of local government finance or a provider in a partnership or another arrangement with the department of local government finance to do any of the following:

(1) Receive data subject to IC 6-1.1-4-25, IC 6-1.1-5.5-3, or IC 36-2-9-20 in a uniform format through a secure connection over the Internet.

(2) Maintain data subject to IC 6-1.1-4-25, IC 6-1.1-5.5-3, or IC 36-2-9-20 in an electronic data base.

(3) Provide public access to data subject to IC 6-1.1-4-25, IC 6-1.1-5.5-3, or IC 36-2-9-20.

(b) A system described in subsection (a) must do the following:

(1) Maintain the confidentiality of data that is declared to be confidential by IC 6-1.1-5.5-3, IC 6-1.1-5.5-5, IC 6-1.1-35-9, or

other provisions of law.

(2) Provide prompt notice to the department of local government finance ~~and legislative services agency~~ of the receipt of data from counties and townships and other critical events, as ~~jointly~~ determined by the department of local government finance. ~~and the legislative services agency.~~

(3) Maintain data in a form that formats the information in the file with the standard data, field, and record coding jointly required and approved by the department of local government finance and the legislative services agency.

(4) Provide data export and transmission capabilities that are compatible with the data export and transmission requirements prescribed by the office of technology established by IC 4-13.1-2-1 and jointly approved by the department of local government finance and the legislative services agency.

(5) Provide to the legislative services agency and the department of local government finance unrestricted on line access and access through data export and transmission protocols to:

(A) the data transmitted to the system; and

(B) hardware, software, and other work product associated with the system;

including access to conduct the tests and inspections of the system and data determined necessary by the ~~legislative services agency~~ **department of local government finance** and access to data received from counties and townships in the form submitted by the counties and townships.

(6) Maintain data in a manner that provides for prompt and accurate transfer of data to the department of local government finance, ~~and the legislative services agency,~~ as jointly approved by the department of local government finance and the legislative services agency.

~~(c) The department of local government finance and any third party system provider shall provide for regular consultation with the legislative services agency concerning the development and operation of the system and shall provide the legislative services agency with copies of system documentation of the procedures, standards, and internal controls and any written agreements related to the receipt of~~

~~data and the management, operation, and use of the system.~~

SECTION 51. IC 6-1.1-35.5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 3. The department of local government finance shall design two (2) assessor-appraiser examinations, to be called "level one" and "level two". ~~All citizens of Indiana are eligible to apply for and to be examined under "level one" and "level two" examinations, subject only to the resources and limitations of the department of local government finance in conducting the examinations.~~ Both examinations should cover the subjects of real estate appraising, accounting, and property tax law. Successful performance on the level one examination requires the minimum knowledge needed for effective performance as a county or township assessor under this article. Success on the level two examination requires substantial knowledge of the subjects covered in the examination.

SECTION 52. IC 6-1.1-35.5-5, AS AMENDED BY P.L.219-2007, SECTION 77, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 5. A county or township assessor, a member or hearing officer of the county property tax assessment board of appeals, or a member of the public may apply for and take the level one examination. A person who is successful on the level one examination may apply for and take the level two examination. A person who is successful on the level two examination may apply for level three certification **upon completion of the requirements specified in section 4.5 of this chapter.**

SECTION 53. IC 6-1.1-41-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1. This chapter applies to establishing and imposing a tax levy for cumulative funds under the following:

(1) IC 3-11-6.
(2) IC 8-10-5.
(3) IC 8-16-3.
(4) IC 8-16-3.1.
(5) IC 8-22-3.
(6) IC 14-27-6.
(7) IC 14-33-21.
(8) IC 16-22-4.

(9) IC 16-22-8.
(10) IC 36-8-8-14.2.
~~(10)~~ **(11)** IC 36-8-14.
~~(11)~~ **(12)** IC 36-9-4.
~~(12)~~ **(13)** IC 36-9-14.
~~(13)~~ **(14)** IC 36-9-14.5.
~~(14)~~ **(15)** IC 36-9-15.
~~(15)~~ **(16)** IC 36-9-15.5.
~~(16)~~ **(17)** IC 36-9-16.
~~(17)~~ **(18)** IC 36-9-17.
~~(18)~~ **(19)** IC 36-9-17.5.
~~(19)~~ **(20)** IC 36-9-26.
~~(20)~~ **(21)** IC 36-9-27.
~~(21)~~ **(22)** IC 36-10-3.
~~(22)~~ **(23)** IC 36-10-4.
~~(23)~~ **(24)** IC 36-10-7.5.
~~(24)~~ **(25)** Any other statute that specifies that a property tax levy may be imposed under this chapter.

SECTION 54. IC 6-3.6-3-2, AS AMENDED BY P.L.257-2019, SECTION 69, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 2. (a) An adopting body or, if authorized by this article, another governmental entity that is not an adopting body, may take an action under this article only by ordinance, unless this article permits the action to be taken by resolution.

(b) The department of local government finance, in consultation with the department of state revenue, may make electronically available uniform notices, ordinances, and resolutions that an adopting body or other governmental entity may use to take an action under this article. An adopting body or other governmental entity may submit a proposed notice, ordinance, or resolution to the department of local government finance for review not later than thirty (30) days prior to the date that the adopting body or governing body intends to submit the notice, adopting ordinance or resolution, and vote results on an ordinance or resolution under subsection (d). **If the adopting body or other governmental entity wishes to submit the proposed notice, ordinance, or resolution to the department of local government finance for review, the adopting body or other governmental entity**

shall submit the proposed notice, ordinance, or resolution to the department of local government finance on the prescribed forms. The department of local government finance shall provide to the submitting entity a determination of the appropriateness of the proposed notice, ordinance, or resolution, including recommended modifications, within thirty (30) days of receiving the proposed notice, ordinance, or resolution.

(c) An ordinance or resolution adopted under this article must comply with the notice and hearing requirements set forth in IC 5-3-1.

(d) The department of local government finance shall prescribe the procedures to be used by the adopting body or governmental entity for submitting to the department the notice, the adopting ordinance or resolution, and the vote results on an ordinance or resolution. The department of local government finance shall notify the submitting entity within thirty (30) days after submission whether the department has received the necessary information required by the department. A final action taken by an adopting body or governmental entity under this article to impose a new tax or amend an existing tax is not effective until the department of local government finance notifies the adopting body or governmental entity that it has received the required information from the submitting entity.

SECTION 55. IC 6-3.6-11-9 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 9. (a) This section applies to the calculation and allocation of certified shares among civil taxing units in Hamilton County after 2020 and before 2024.**

(b) For each calendar year to which this section applies, the amount of a civil taxing unit's certified shares is equal to:

(1) the amount of the civil taxing unit's certified shares determined under IC 6-3.6-6, for a civil taxing unit other than the city of Carmel or the city of Fishers;

(2) the adjusted amount determined under subsection (c), for the city of Carmel; or

(3) the adjusted amount determined under subsection (d), for the city of Fishers.

(c) For each calendar year to which this section applies, the adjusted amount of the city of Carmel's certified shares is equal to

the lesser of:

(1) the amount of the city of Carmel's certified shares determined under IC 6-3.6-6, without regard to this section; or

(2) the product of:

(A) the amount of the city of Carmel's certified shares determined for the immediately preceding calendar year under IC 6-3.6-6, for 2021, or this section, after 2021; and

(B) one and twenty-five thousandths (1.025).

(d) For each calendar year to which this section applies, the adjusted amount of the city of Fishers' certified shares is equal to:

(1) the sum of:

(A) the amount of the city of Carmel's certified shares determined under IC 6-3.6-6, without regard to this section; and

(B) the amount of the city of Fishers' certified shares determined under IC 6-3.6-6, without regard to this section; minus

(2) the adjusted amount of the city of Carmel's certified shares determined under subsection (c).

SECTION 56. IC 12-20-21-3.2, AS AMENDED BY P.L.249-2015, SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 3.2. (a) This section applies only to a township if the township's township assistance property tax rate (as defined in IC 6-1.1-20.3-6.7(a)) for property taxes first due and payable in 2013 or any year thereafter is more than the result of:

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

(2) twelve (12).

(b) Notwithstanding any other law, beginning with property taxes first due and payable in the year following the year in which this section first applies to the township, as provided in subsection (a), the department of local government finance shall do the following in the case of a township subject to this section:

(1) Remove the township assistance property tax levy from the

maximum permissible ad valorem property tax levy for the township's general fund.

(2) Require the township to separate its township assistance property tax levy into the following two (2) property tax levies:

(A) A township assistance benefits property tax levy.

(B) A township assistance administration property tax levy.

(3) Calculate a separate maximum permissible ad valorem property tax levy under IC 6-1.1-18.5 for each of the township's property tax levies described in subdivision (2).

(c) The department of local government finance shall, for property taxes first due and payable in the year following the year in which this section first applies to the township, as provided in subsection (a), determine the initial maximum permissible ad valorem property tax levy under IC 6-1.1-18.5 for a township's township assistance administration property tax levy.

(d) The initial maximum permissible ad valorem property tax levy under IC 6-1.1-18.5 for a township's township assistance benefits property tax levy for property taxes first due and payable in the year following the year in which this section first applies to the township, as provided in subsection (a), is equal to the amount determined in the following STEPS:

STEP ONE: Determine the result of:

(A) the township's township assistance property tax levy for property taxes first due and payable in the year in which this section first applies to the township, as provided in subsection (a); minus

(B) the result determined by the department of local government finance for the township under subsection (c).

STEP TWO: Multiply the STEP ONE result by the ~~assessed value~~ **maximum levy** growth quotient under IC 6-1.1-18.5-2 that is applicable to the township for property taxes first due and payable in the year following the year in which this section first applies to the township, as provided in subsection (a).

(e) The maximum permissible ad valorem property tax levy for the township's general fund shall be adjusted as determined in the following STEPS:

STEP ONE: Multiply:

(A) the township's township assistance property tax levy for property taxes first due and payable in the year in which this section first applies to the township, as provided in subsection (a); by

(B) the ~~assessed value~~ **maximum levy** growth quotient under IC 6-1.1-18.5-2 that is applicable to the township for property taxes first due and payable in the year following the year in which this section first applies to the township, as provided in subsection (a).

STEP TWO: Subtract the STEP ONE result from the maximum permissible ad valorem property tax levy that would otherwise apply for the township's general fund.

The adjustment under this subsection applies beginning with property taxes first due and payable in the year following the year in which this section first applies to the township, as provided in subsection (a).

(f) The property taxes collected from a township's township assistance administration property tax levy:

(1) shall be deposited into a separate fund;

(2) shall be used only for the administration of township assistance within the township; and

(3) shall not be used to pay township assistance to any person.

(g) The property taxes collected from a township's township assistance benefits property tax levy:

(1) shall be deposited into a separate fund;

(2) shall be used only for the purpose of paying township assistance to eligible recipients; and

(3) shall not be used to pay for the administration of township assistance within the township.

(h) Except as provided in this section, references in the Indiana Code to a township assistance property tax levy shall, in the case of a township subject to this section, be considered a reference to the township's township assistance benefits property tax levy and the township's township assistance administration property tax levy.

SECTION 57. IC 12-29-1-1, AS AMENDED BY P.L.184-2016, SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1. (a) The county executive of a county may authorize the furnishing of financial assistance to a

community intellectual disability and other developmental disabilities center that is located or will be located in the county.

(b) Assistance authorized under this section shall be used for the following purposes:

(1) Constructing a center.

(2) Operating a center.

(c) Upon request of the county executive, the county fiscal body may appropriate annually from the county's general fund the money to provide financial assistance for the purposes described in subsection (b). For property taxes first due and payable before January 1, 2017, the appropriation may not exceed the amount that could be collected from an annual tax levy of not more than three and thirty-three hundredths cents ($0.0333) on each one hundred dollars ($100) of taxable property within the county.

(d) For property taxes first due and payable after December 31, 2016, the maximum allowable appropriation for the purposes described in subsection (b) is equal to the result of:

(1) the maximum allowable appropriation by the county for the preceding year; multiplied by

(2) the ~~assessed value~~ **maximum levy** growth quotient determined under IC 6-1.1-18.5-2 for the year.

(e) For purposes of this subsection, "first calendar year" refers to the first calendar year after 2008 in which the county imposes an ad valorem property tax levy for the county general fund to provide financial assistance under this chapter. If a county did not provide financial assistance under this chapter in 2008, the county for a following calendar year:

(1) may propose a financial assistance budget; and

(2) shall refer its proposed financial assistance budget for the first calendar year to the department of local government finance before the tax levy is advertised.

The ad valorem property tax levy to fund the budget for the first calendar year is subject to review and approval under IC 6-1.1-18.5-10.

SECTION 58. IC 12-29-1-2, AS AMENDED BY P.L.184-2016, SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 2. (a) If a community intellectual disability and other developmental disabilities center is organized to

provide services to at least two (2) counties, the county executive of each county may authorize the furnishing of financial assistance for the purposes described in section 1(b) of this chapter.

(b) Upon the request of the county executive of the county, the county fiscal body of each county may appropriate annually from the county's general fund the money to provide financial assistance for the purposes described in section 1(b) of this chapter. For property taxes first due and payable before January 1, 2017, the appropriation of each county may not exceed the amount that could be collected from an annual tax levy of three and thirty-three hundredths cents ($0.0333) on each one hundred dollars ($100) of taxable property within the county.

(c) For property taxes first due and payable after December 31, 2016, the maximum allowable appropriation by each county for the purposes described in section 1(b) of this chapter is equal to the result of:

(1) the maximum allowable appropriation by the county for the preceding year; multiplied by

(2) the ~~assessed value~~ **maximum levy** growth quotient determined under IC 6-1.1-18.5-2 for the year.

SECTION 59. IC 12-29-1-3, AS AMENDED BY P.L.184-2016, SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 3. (a) The county executive of each county whose residents may receive services from a community intellectual disability and other developmental disabilities center may authorize the furnishing of a share of financial assistance for the purposes described in section 1(b) of this chapter if the following conditions are met:

(1) The facilities for the center are located in a state adjacent to Indiana.

(2) The center is organized to provide services to Indiana residents.

(b) Upon the request of the county executive of a county, the county fiscal body of the county may appropriate annually from the county's general fund the money to provide financial assistance for the purposes described in section 1(b) of this chapter. For property taxes first due and payable before January 1, 2017, the appropriations of the county may not exceed the amount that could be collected from an annual tax

levy of three and thirty-three hundredths cents ($0.0333) on each one hundred dollars ($100) of taxable property within the county.

(c) For property taxes first due and payable after December 31, 2016, the maximum allowable appropriation by the county for the purposes described in section 1(b) of this chapter is equal to the result of:

(1) the maximum allowable appropriation by the county for the preceding year; multiplied by

(2) the ~~assessed value~~ **maximum levy** growth quotient determined under IC 6-1.1-18.5-2 for the year.

SECTION 60. IC 12-29-2-2, AS AMENDED BY P.L.257-2019, SECTION 82, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 2. (a) A county shall provide funding for the operation of community mental health centers in the amount determined under subsection (b) or, in the case of Marion County for calendar year 2019, calendar year 2020, and calendar year 2021, the amount determined under subsection (c).

(b) Except as provided in subsection (c), the amount of funding under subsection (a) for a calendar year is equal to the following:

(1) The county's maximum appropriation amount for the operation of community mental health centers determined under this chapter in the previous calendar year, if the STEP THREE result under the following formula is less than or equal to zero (0):

STEP ONE: Determine the amount of the certified levy for funds subject to the civil maximum levy in the immediately preceding calendar year minus the amount of credits granted under IC 6-1.1-20.6 that were allocated to funds subject to the civil maximum levy in the immediately preceding calendar year, as determined by the department of local government finance under IC 6-1.1-20.6-11.

STEP TWO: Determine the amount of the certified levy for funds subject to the civil maximum levy in the year prior to the immediately preceding calendar year minus the amount of credits granted under IC 6-1.1-20.6 that were allocated to funds subject to the civil maximum levy in the year prior to the immediately preceding calendar year, as determined by the department of local government finance under

IC 6-1.1-20.6-11.

STEP THREE: Determine the remainder of the STEP ONE amount minus the STEP TWO amount.

(2) If the STEP THREE result under the formula in subdivision (1) is greater than zero (0), then the county's maximum appropriation amount for the operation of community mental health centers determined under this chapter in the previous calendar year, multiplied by the greater of:

(A) one (1); or

(B) the result of STEP SIX of the following formula:

STEP ONE: Determine the ~~assessed value~~ **maximum levy** growth quotient for the year under IC 6-1.1-18.5 minus one (1).

STEP TWO: Determine the amount of the certified levy for funds subject to the civil maximum levy in the immediately preceding calendar year minus the amount of credits granted under IC 6-1.1-20.6 that were allocated to funds subject to the civil maximum levy in the immediately preceding calendar year, as determined by the department of local government finance under IC 6-1.1-20.6-11.

STEP THREE: Determine the amount of the certified levy for funds subject to the civil maximum levy in the immediately preceding calendar year.

STEP FOUR: Determine the result of the STEP TWO amount divided by the STEP THREE amount.

STEP FIVE: Determine the product of the STEP ONE amount multiplied by the STEP FOUR result.

STEP SIX: Determine the STEP FIVE amount plus one (1).

The department of local government finance shall verify the maximum appropriation calculation under this subsection as part of the certification of the county's budget under IC 6-1.1-17. For taxes due and payable in 2020, the department of local government finance shall calculate the maximum appropriation under this subsection as if the taxes were due and payable in 2019.

(c) This subsection applies only in calendar year 2019, calendar year 2020, and calendar year 2021. In the case of Marion County, the amount of funding under subsection (a) for a calendar year is

determined under this subsection and is equal to the following:

(1) For calendar year 2019, the sum of:

(A) the actual amount of the appropriations by the county for community mental health centers under this chapter in 2018; plus

(B) the result of thirty-three percent (33%) multiplied by the result of:

(i) the amount that would have, except for the application of this subsection, applied to the county under subsection (b) for calendar year 2019; minus

(ii) the actual amount of the appropriations by the county for community mental health centers under this chapter in 2018.

(2) For calendar year 2020, the sum of:

(A) the actual amount of the appropriations by the county for community mental health centers under this chapter in 2019; plus

(B) the result of sixty-six percent (66%) multiplied by the result of:

(i) the amount that would have, except for the application of this subsection, applied to the county under subsection (b) for calendar year 2020; minus

(ii) the actual amount of the appropriations by the county for community mental health centers under this chapter in 2019.

(3) For calendar year 2021, the amount that would have, except for the application of this subsection, applied to the county under subsection (b) for calendar year 2021.

The department of local government finance shall verify the maximum appropriation calculation under this subsection as part of the certification of the county's budget under IC 6-1.1-17. This subsection expires January 1, 2022.

(d) The funding provided by a county under this section shall be used solely for:

(1) the operations of community mental health centers serving the county; or

(2) contributing to the nonfederal share of medical assistance payments to community mental health centers serving the county.

SECTION 61. IC 13-21-15-3, AS ADDED BY P.L.189-2016,

SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 3. (a) This section applies to the imposition of property taxes in a county that:

(1) dissolves its county solid waste management district as described in section 1(a) of this chapter; or

(2) withdraws from a joint solid waste management district and determines that it will no longer be a member of a joint solid waste management district or be designated as a county district as described in section 2(a) of this chapter.

(b) The following apply to a county that dissolves its county solid waste management district as described in section 1(a) of this chapter:

(1) Subject to the limitations of this subsection, the authority of the county solid waste management district to impose property taxes for purposes of this article is transferred to the county.

(2) For property taxes first due and payable in the first year in which the county no longer has a county solid waste management district, the department of local government finance shall establish a separate solid waste management maximum permissible ad valorem property tax levy for the county that is equal to:

(A) the county solid waste management district's maximum permissible ad valorem property tax levy for the last year in which the county solid waste management district was in existence; multiplied by

(B) the ~~assessed value~~ **maximum levy** growth quotient under IC 6-1.1-18.5-2 that applies to the determination of maximum permissible ad valorem property tax levies for the first year in which the county no longer has a county solid waste management district.

(3) Property taxes collected by the county under the property tax levy authorized under this subsection may be used only for those purposes for which a property tax levy imposed by a solid waste management district under this article may be used.

(c) The following apply to a county that withdraws from a joint district and determines that it will no longer be a member of a joint district or be designated as a county district as described in section 2(a) of this chapter:

(1) Subject to the limitations of this subsection, the county has the

authority to impose property taxes for purposes of this article.

(2) For property taxes first due and payable in the first year in which the county is no longer a member of the joint district, the department of local government finance shall establish a separate solid waste management maximum permissible ad valorem property tax levy for the county that is equal to:

(A) the joint solid waste management district's maximum permissible property tax levy for the last year in which the county was a member of the joint district; multiplied by

(B) a fraction equal to:

(i) the certified assessed valuation of the county for taxes payable in the last year in which the county was a member of the joint district; divided by

(ii) the certified assessed valuation of the joint solid waste management district for taxes payable in the last year in which the county was a member of the joint district; multiplied by

(C) the ~~assessed value~~ **maximum levy** growth quotient under IC 6-1.1-18.5-2 that applies to the determination of maximum permissible ad valorem property tax levies for the first year in which the county is no longer a member of the joint district.

(3) For property taxes first due and payable in the first year in which the county is no longer a member of the joint district, the department of local government finance shall reduce the joint solid waste management district's maximum permissible property tax levy that would otherwise apply by the amount determined under subdivision (2) for the withdrawing county.

(4) Property taxes collected by the county under the property tax levy authorized under this subsection may be used only for those purposes for which a property tax levy imposed by a solid waste management district under this article may be used.

SECTION 62. IC 20-29-6-12.5, AS AMENDED BY P.L.272-2019, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 12.5. (a) Before September 15 of the first year of the state budget biennium, the department shall provide the parties with an estimate of the general fund (before January 1, 2019) or education fund (after December 31, 2018) revenue available for bargaining in the

school corporation from the school funding formula.

(b) Within thirty (30) days after the date of the fall count of ADM of the school year in the first year of the state budget biennium, the department shall provide the parties with a certification of estimated general fund (before January 1, 2019) or education fund (after December 31, 2018) revenue available for bargaining from the school funding formula. If the parties do not receive a certified estimate from the department within thirty (30) days after the fall count of ADM, the parties may use the school corporation's estimate of the general fund (before January 1, 2019) or education fund (after December 31, 2018) revenue available based on the school corporation's fall count of ADM for purposes of collective bargaining. However, if the parties subsequently receive the certification of estimated general fund (before January 1, 2019) or education fund (after December 31, 2018) revenue available for bargaining before an impasse is declared, the parties shall use the certified general fund (before January 1, 2019) or education fund (after December 31, 2018) revenue from the school funding formula for purposes of collective bargaining.

~~(c) A school employer for which the voters have passed a general fund operating referendum (before January 1, 2019), an operating referendum tax levy (after December 31, 2018) under IC 20-46-1, or a school safety referendum tax levy under IC 20-46-9 must have that amount certified by the department of local government finance.~~

~~(d)~~ **(c)** A school employer that passes a resolution under section 3(c) of this chapter to consider a portion or percentage of money transferred from the school employer's operations fund to the education fund as education fund revenue for purposes of determining whether an agreement places a school corporation in a position of deficit financing must submit a copy of the resolution to the department of local government finance on or before November 1. The resolution shall include:

(1) all transfers between the operations fund and the education fund; and

(2) a statement regarding whether or not the transfer is for the purpose of funding teacher contracts.

~~(e)~~ **(d)** ~~The school corporation must obtain the certification described in subsection (c) before the conclusion of bargaining.~~ The certifications

or estimate described in subsection (b) must be the basis for determinations throughout impasse proceedings under this chapter.

SECTION 63. IC 20-46-7-12, AS AMENDED BY P.L.229-2011, SECTION 220, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 12. (a) Except as provided by IC 5-1-14-10 **and subsection (c),** the maximum term or repayment period for bonds issued by a school corporation for a school building construction project may not exceed twenty (20) years after the date of the issuance of the bonds.

(b) If a school corporation is an eligible school corporation under IC 5-1-5-2.5, the school corporation may extend the repayment period beyond the maximum repayment period that applied to the bond, loan, or lease at the time the obligation was incurred as provided by IC 5-1-5-2.5.

(c) Except as provided by IC 5-1-14-10, the maximum term or repayment period for bonds issued by a school corporation for a school building construction project and to repay loans made or guaranteed by a federal agency may not exceed forty (40) years after the date of the issuance of the bonds.

SECTION 64. IC 20-46-8-1, AS AMENDED BY P.L.140-2018, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1. (a) A school corporation may impose an annual property tax levy for its operations fund.

(b) For property taxes first due and payable in 2019, the maximum permissible property tax levy a school corporation may impose for its operations fund (IC 20-40-18) is the following:

STEP ONE: Determine the sum of the following:

(A) The 2018 maximum permissible transportation levy determined under IC 20-46-4 (repealed January 1, 2019).

(B) The 2018 maximum permissible school bus replacement levy determined under IC 20-46-5 (repealed January 1, 2019).

(C) The 2018 amount that would be raised from a capital projects fund tax rate equal to the sum of:

(i) the maximum capital projects fund rate that the school corporation was authorized to impose for 2018 under IC 20-46-6 (repealed January 1, 2019), after any adjustment under IC 6-1.1-18-12 (but excluding any rate imposed for

qualified utility and insurance costs); plus

(ii) the capital projects fund rate imposed for qualified utility and insurance costs in 2018.

(D) For school corporations described in IC 36-10-13-7, the 2018 levy as provided in section 6 of this chapter (repealed January 1, 2019) to provide funding for an art association.

(E) For a school corporation in a county having a population of more than two hundred fifty thousand (250,000) but less than two hundred seventy thousand (270,000), the 2018 levy as provided in section 7 of this chapter (repealed January 1, 2019) to provide funding for a historical society.

(F) For a school corporation described in IC 36-10-14-1, the 2018 levy as provided in section 8 of this chapter (repealed January 1, 2019) to provide funding for a public playground.

STEP TWO: Determine the product of:

(A) The amount determined in STEP ONE, after eliminating the effects of temporary excessive levy appeals and any other temporary adjustments made to each of these levies for 2018 (regardless of whether the school corporation imposed the entire amount of that maximum permissible levy for the previous year); multiplied by

(B) the ~~assessed value~~ **maximum levy** growth quotient determined under IC 6-1.1-18.5-2.

STEP THREE: Determine the result of the following:

(A) Determine the sum of:

(i) the amount determined in STEP TWO; plus

(ii) the amount granted due to an appeal to increase the levy for transportation for 2019.

(B) Make the school bus replacement adjustment for 2019.

(c) After 2019, the maximum permissible property tax levy a school corporation may impose for its operations fund for a particular year is the following:

STEP ONE: Determine the product of:

(A) the maximum permissible property tax levy for the school corporation's operations fund for the previous year, after eliminating the effects of temporary excessive levy appeals and any other temporary adjustments made to the levy for the

previous year (regardless of whether the school corporation imposed the entire amount of the maximum permissible levy for the previous year); multiplied by

(B) the ~~assessed value~~ **maximum levy** growth quotient determined under IC 6-1.1-18.5-2.

STEP TWO: Determine the result of the following:

(A) Determine the sum of:

(i) the amount determined in STEP ONE; plus

(ii) the amount granted due to an appeal to increase the maximum permissible operations fund levy for the year under section 3 of this chapter for transportation.

(B) Make the school bus replacement adjustment permitted by section ~~4~~ **3** of this chapter.

SECTION 65. IC 20-46-8-3, AS AMENDED BY P.L.140-2018, SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 3. A school corporation may appeal to the department of local government finance under IC 6-1.1-19 to increase the school corporation's maximum permissible operations fund levy. The appeal must be filed with the department of local government finance before October 20 of the year before the increase is proposed to take effect. To be granted an increase by the department of local government finance, the school corporation must establish that the increase is necessary because of **either or both of the following:**

(1) A cost increase of at least ten percent (10%) over the preceding year for at least one (1) of the following:

~~(1)~~ **(A)** A fuel expense increase.

~~(2)~~ **(B)** A cost increase due to an increase in the number of students enrolled in the school corporation who need transportation or an increase in the mileage traveled by the school corporation's buses compared with the previous year.

~~(3)~~ **(C)** A cost increase due to an increase in the number of students enrolled in special education who need transportation or an increase in the mileage traveled by the school corporation's buses due to students enrolled in special education as compared with the previous year.

~~(4)~~ **(D)** Increased transportation operating costs due to compliance with a court ordered desegregation plan.

~~(5)~~ **(E)** A cost increase due to the closure of a school building within the school corporation that results in a significant increase in the distances that students must be transported to attend another school building.

~~(6)~~ **(F)** A cost increase due to restructuring or redesigning transportation services due to a need for additional, expanded, consolidated, or modified routes.

~~(7)~~ **(G)** A labor cost increase due to a labor shortage affecting the school corporation's ability to hire qualified transportation employees.

To obtain the increase, the school corporation must establish that it will be unable to provide transportation services without an increase.

(2) A cost increase associated with the school corporation's bus replacement plan adopted or amended under IC 20-40-18-9 (after December 31, 2018). To obtain the increase, the school corporation must show that the school corporation must incur reasonable and necessary expenses to acquire additional buses under the plan.

~~In addition, before the department of local government finance may grant a maximum permissible operations fund levy increase, the school corporation must establish that the school corporation will be unable to provide transportation services without an increase.~~ The department of local government finance may grant a levy increase that is less than the increase requested by the school corporation. If the department of local government finance determines that a permanent increase in the maximum permissible levy is necessary, the increase granted under this section shall be added to the school corporation's maximum permissible operations fund levy as provided in section 1 of this chapter.

SECTION 66. IC 20-46-8-4 IS REPEALED [EFFECTIVE JULY 1, 2020]. ~~Sec. 4. The department of local government finance may, upon petition by a school corporation, adjust the school corporation's maximum permissible levy for its operations fund under section 1 of this chapter to reflect the school corporation's plan adopted or amended under IC 20-46-5 (before its repeal January 1, 2019) or IC 20-40-18-9 (after December 31, 2018). The petition must be filed with the department of local government finance before October 20 of the year~~

~~before the adjustment is proposed to take effect.~~

SECTION 67. IC 20-46-8-9, AS ADDED BY P.L.76-2019, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 9. (a) This section applies only to the North Spencer County School Corporation (school corporation) due to unique circumstances regarding the calculation of the capital projects fund levy component that was used in determining the school corporation's 2019 maximum permissible operations fund property tax levy.

(b) For property taxes first due and payable in 2020, the maximum permissible operations fund property tax levy of a school corporation subject to this section is equal to the amount determined in the following STEPS, instead of the amount determined under section 1 of this chapter:

STEP ONE: Determine the result under section 1(c) of this chapter, without regard to this section.

STEP TWO: Determine the result of:

(A) six hundred forty thousand three hundred thirty-five dollars ($640,335); multiplied by

(B) the 2020 ~~assessed value~~ **maximum levy** growth quotient determined under IC 6-1.1-18.5-2.

STEP THREE: Determine the sum of:

(A) the STEP ONE amount; plus

(B) the STEP TWO amount.

(c) For purposes of determining the school corporation's 2021 maximum permissible operations fund property tax levy, the amount to be used for purposes of STEP ONE (A) of section 1(c) of this chapter is equal to the amount determined under STEP THREE of subsection (b).

(d) This section expires January 1, 2022.

SECTION 68. IC 20-46-8-10, AS ADDED BY P.L.238-2019, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 10. (a) This section applies to a school corporation in 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).

(b) For property taxes first due and payable in 2020, the maximum permissible operations fund property tax levy of a school corporation

subject to this section is equal to the amount determined in the following STEPS, instead of the amount determined under section 1 of this chapter:

STEP ONE: Determine the result under section 1(c) of this chapter, without regard to this section.

STEP TWO: Determine the result of:

(A) the amount of the school corporation's 2018 historical society fund levy under IC 36-10-13-5 (as it existed on December 31, 2018); multiplied by

(B) the 2019 ~~assessed value~~ **maximum levy** growth quotient determined under IC 6-1.1-18.5-2.

STEP THREE: Determine the result of:

(A) the STEP TWO amount; multiplied by

(B) the 2020 ~~assessed value~~ **maximum levy** growth quotient determined under IC 6-1.1-18.5-2.

STEP FOUR: Determine the sum of:

(A) the STEP ONE amount;

(B) the STEP TWO amount; and

(C) the STEP THREE amount.

(c) For purposes of determining the 2021 maximum permissible property tax levy for the school corporation's operations fund, the amount to be used for purposes of STEP ONE (A) of section 1(c) of this chapter is equal to the remainder of:

(1) the amount determined under STEP FOUR of subsection (b); minus

(2) the amount determined under STEP TWO of subsection (b).

(d) This section expires January 1, 2022.

SECTION 69. IC 24-7-5-12, AS ADDED BY P.L.222-2013, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 12. (a) A lessor may contract for and receive a fee for accepting rental payments by telephone in connection with a rental purchase agreement, if all of the following conditions are met:

(1) The fee is assessed only upon request by the lessee for the underlying payment by telephone service.

(2) The payment by telephone service is not established in advance, under the rental purchase agreement or otherwise, as the expected method for making rental payments under the rental

purchase agreement.

(3) The fee does not exceed ~~one dollar and fifty cents ($1.50).~~ **three dollars ($3).**

(4) The lessee retains the right to make rental payments by payment methods in connection with which no additional fee would be assessed or incurred (including in-person payments and payments by mail) as a result of such alternative payment methods.

(5) The fee is contracted for and disclosed by the lessor in the rental purchase agreement.

(6) The lessor posts a sign at each store location disclosing to existing and prospective lessees:

(A) the amount of the fee;

(B) the lessee's right and option to make rental payments by alternative payment methods and not be assessed or incur an additional fee; and

(C) the alternative payment methods offered by the lessor in connection with which no additional fee would be assessed or incurred.

(7) The lessor's books and records provide an audit trail sufficient to allow the department and its examiners to confirm the lessee's compliance with the conditions listed in subdivisions (1) through (6).

(b) A fee may not be charged under this section unless there is interaction between a live employee or representative of the lessor and the lessee.

SECTION 70. IC 36-1-8-17.5, AS AMENDED BY P.L.183-2014, SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 17.5. A political subdivision must report, in the manner specified by the ~~department of local government finance,~~ **state board of accounts,** information and data on its retiree benefits and expenditures by March 1 of each year.

SECTION 71. IC 36-1-8.5-5.5 IS REPEALED [EFFECTIVE JULY 1, 2020]. ~~Sec. 5.5. As used in this chapter, "state address confidentiality form" means the form prescribed by the department of local government finance under IC 6-1.1-31-1(a)(6).~~

SECTION 72. IC 36-1-8.5-7, AS AMENDED BY P.L.111-2019,

SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 7. (a) A covered person who wants to restrict access to the covered person's home address by means of a public property data base **Internet** web site must submit a ~~state address confidentiality form~~ **written request** to the unit that operates the public property data base **Internet** web site. ~~However, the unit may accept a written request from a covered person as an alternative to the state address confidentiality form.~~

(b) A unit that operates a public property data base **Internet** web site, directly or through a third party, shall establish a process to prevent a member of the general public from gaining access to the home address of a covered person by means of the public property data base **Internet** web site.

(c) In establishing a process under subsection (b), a unit shall do all of the following:

(1) Determine which person or department of the unit will receive and process the request.

(2) Provide a method under which a covered person is notified of the procedure to be used to restrict or allow disclosure of the home address of the covered person under this chapter.

(d) A unit may charge a covered person a reasonable fee to make a written request under this section.

SECTION 73. IC 36-1-8.5-9, AS AMENDED BY P.L.111-2019, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 9. (a) This section applies to a covered person who has ~~applied for address confidentiality~~ **submitted a written request** under section 7(a) of this chapter.

(b) A unit shall restrict access to the home address of a covered person until the covered person submits a written request to the unit to allow public access to the person's home address on the public property data base web site. The unit shall take reasonable steps to verify the authenticity of the written request, including requiring the covered person to provide appropriate identification.

SECTION 74. IC 36-1-8.5-11, AS AMENDED BY P.L.111-2019, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 11. A ~~state address confidentiality form,~~ written request, notification of name change, or any other information

submitted to the unit by a covered person under this chapter is confidential under IC 5-14-3-4(a).

SECTION 75. IC 36-1-11-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 16. (a) This section applies to the following:

(1) A person who owes delinquent taxes, special assessments, penalties, interest, or costs directly attributable to a prior tax sale on a tract of real property listed under IC 6-1.1-24-1.

(2) A person who is an agent of the person described in subdivision (1).

(3) A person who has any of the following relationships to a person, partnership, corporation, or legal entity described in subdivision (1):

(A) A partner of a partnership.

(B) A member of a limited liability company.

(C) An officer, director, or majority stockholder of a corporation.

(D) The person who controls or directs the activities or has a majority ownership in a legal entity other than a partnership or corporation.

(b) A person subject to this section may not **bid on,** purchase, receive, or lease a tract that is offered in a sale, exchange, or lease under this chapter.

(c) If a person purchases, receives, or leases a tract that the person was not eligible to purchase, receive, or lease under this section, the sale, transfer, or lease of the property is void and the county retains the interest in the tract it possessed before the sale, transfer, or lease of the tract.

SECTION 76. IC 36-1.5-3-5, AS AMENDED BY P.L.238-2019, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 5. (a) This subsection applies to the plan of reorganization of a political subdivision other than a school corporation. The plan of reorganization must specify the amount (if any) of the decrease that the department of local government finance shall make to the maximum permissible property tax levies, maximum permissible property tax rates, and budgets under IC 6-1.1-17 and IC 6-1.1-18.5 of the reorganized political subdivision to:

(1) eliminate double taxation for services or goods provided by the reorganized political subdivision; or

(2) eliminate any excess by which the amount of property taxes imposed by the reorganized political subdivision exceeds the amount necessary to pay for services or goods provided under this article.

(b) This subsection applies to a plan of reorganization for a school corporation. The plan of reorganization must specify the adjustments that the department of local government finance shall make to the maximum permissible property tax levies, maximum permissible property tax rates, and budgets under IC 6-1.1-17 and IC 6-1.1-18.5 of the reorganized school corporation. The following apply to a school corporation reorganized under this article:

(1) The new maximum permissible tax levy under IC 20-46-8 (operations fund property tax levy) for the first calendar year in which the reorganization is effective equals the following:

STEP ONE: Determine for each school corporation that is part of the reorganization the sum of the maximum levies under IC 20-46-8 (operations fund property tax levy) for the ensuing calendar year, including the ~~assessed value~~ **maximum levy** growth quotient (IC 6-1.1-18.5-2) adjustment for the ensuing calendar year.

STEP TWO: Determine the sum of the STEP ONE amounts.

STEP THREE: Multiply the STEP TWO amount by one hundred three percent (103%).

(2) The new debt service levy under IC 20-46-7 for the first calendar year in which the reorganization is effective equals the sum of the debt service fund levies for each school corporation that is part of the reorganization that would have been permitted under IC 20-46-7 in the calendar year.

(c) The fiscal body of the reorganized political subdivision shall determine and certify to the department of local government finance the amount of the adjustment (if any) under subsection (a).

(d) The amount of the adjustment (if any) under subsection (a) or (b) must comply with the reorganization agreement under which the political subdivision or school corporation is reorganized under this article.

SECTION 77. IC 36-1.5-4-40.5, AS ADDED BY P.L.255-2013, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 40.5. The following apply in the case of a reorganization under this article that includes a township and another political subdivision:

(1) If the township borrowed money from a township fund under IC 36-6-6-14(c) to pay the operating expenses of the township fire department or a volunteer fire department before the reorganization:

(A) the reorganized political subdivision is not required to repay the entire loan during the following year; and

(B) the reorganized political subdivision may repay the loan in installments during the following five (5) years.

(2) Except as provided in subdivision (3):

(A) the reorganized political subdivision continues to be responsible after the reorganization for providing township services in all areas of the township, including within the territory of a municipality in the township that does not participate in the reorganization; and

(B) the reorganized political subdivision retains the powers of a township after the reorganization in order to provide township services as required by clause (A).

(3) Powers and duties of the reorganized political subdivision may be transferred as authorized in an interlocal cooperation agreement approved under IC 36-1-7 or as authorized in a cooperative agreement approved under IC 36-1.5-5.

(4) If all or part of a municipality in the township is not participating in the reorganization, not less than ten (10) township taxpayers who reside within territory that is not participating in the reorganization may file a petition with the county auditor protesting the reorganized political subdivision's township assistance levy. The petition must be filed not more than thirty (30) days after the reorganized political subdivision finally adopts the reorganized political subdivision's township assistance levy. The petition must state the taxpayers' objections and the reasons why the taxpayers believe the reorganized political subdivision's township assistance levy is excessive or unnecessary. The county

auditor shall immediately certify a copy of the petition, together with other data necessary to present the questions involved, to the department of local government finance. Upon receipt of the certified petition and other data, the department of local government finance shall fix a time and place for the hearing of the matter. The hearing shall be held not less than five (5) days and not more than thirty (30) days after the receipt of the certified documents. The hearing shall be held in the county where the petition arose. Notice of the hearing shall be given by the department of local government finance to the reorganized political subdivision and to the first ten (10) taxpayer petitioners listed on the petition by letter. The letter shall be sent to the first ten (10) taxpayer petitioners at the taxpayers' usual place of residence at least five (5) days before the date of the hearing. After the hearing, the department of local government finance may reduce the reorganized political subdivision's township assistance levy to the extent that the levy is excessive or unnecessary. A taxpayer who signed a petition under this subdivision or a reorganized political subdivision against which a petition under this subdivision is filed may petition for judicial review of the final determination of the department of local government finance under this subdivision. The petition must be filed in the tax court not more than forty-five (45) days after the date of the department of local government finance's final determination.

(5) Section 40 of this chapter applies to the debt service levy of the reorganized political subdivision and to the department of local government finance's determination of the new maximum permissible ad valorem property tax levy for the reorganized political subdivision.

(6) The reorganized political subdivision may not borrow money under IC 36-6-6-14(b) or IC 36-6-6-14(c).

(7) The new maximum permissible ad valorem property tax levy for the reorganized political subdivision's firefighting fund under IC 36-8-13-4 is equal to:

(A) the result of:

(i) the maximum permissible ad valorem property tax levy for the township's firefighting fund under IC 36-8-13-4 in

the year preceding the year in which the reorganization is effective; multiplied by

(ii) the ~~assessed value~~ **maximum levy** growth quotient applicable for property taxes first due and payable in the year in which the reorganization is effective; plus

(B) any amounts borrowed by the township under IC 36-6-6-14(b) or IC 36-6-6-14(c) in the year preceding the year in which the reorganization is effective.

SECTION 78. IC 36-2-9-20, AS AMENDED BY P.L.137-2012, SECTION 117, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 20. The county auditor shall:

(1) maintain an electronic data file of the information contained on the tax duplicate for all:

(A) parcels; and

(B) personal property returns;

for each township in the county as of each assessment date;

(2) maintain the electronic data file in a form that formats the information in the file with the standard data, field, and record coding required and approved by:

(A) the legislative services agency; and

(B) the department of local government finance;

(3) transmit the data in the file with respect to the assessment date of each year before March 16 of the next year to

~~(A) the legislative services agency in an electronic format under IC 5-14-6; and~~

~~(B)~~ the department of local government finance

in a manner that meets the data export and transmission requirements in a standard format, as prescribed by the office of technology established by IC 4-13.1-2-1 and approved by the legislative services agency; and

(4) resubmit the data in the form and manner required under this subsection, upon request of the legislative services agency or the department of local government finance, if data previously submitted under this subsection does not comply with the requirements of this subsection, as determined by the legislative services agency or the department of local government finance.

An electronic data file maintained for a particular assessment date may

not be overwritten with data for a subsequent assessment date until a copy of an electronic data file that preserves the data for the particular assessment date is archived in the manner prescribed by the office of technology established by IC 4-13.1-2-1 and approved by the legislative services agency.

SECTION 79. IC 36-6-6-16, AS ADDED BY P.L.129-2019, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2020 (RETROACTIVE)]: Sec. 16. (a) This section does not apply to a township that is a distressed political subdivision under IC 6-1.1-20.3.

(b) As used in this section, "township fund" does not include a debt service fund of a township.

(c) Notwithstanding any other law, a township legislative body, in a public meeting, may authorize a one (1) time transfer of any excess balance or part of an excess balance from any township fund to any other township fund. A township legislative body may transfer excess balances from multiple township funds; however, all transfers must be authorized by the township legislative body at one (1) time. Subject to subsection (d), a township must complete all transfers that are authorized by this section not later than September 1, ~~2020.~~ **2021.** Any money transferred under this section may be used for any lawful purpose for which money in the fund to which the balance is transferred may be used.

(d) If IC 36-6-9 applies to the township, the township must adopt the township capital improvement plan before the township may complete a transfer of money under this section.

(e) A township may not spend any money that is transferred until the expenditure of the money has been included in a budget that has been approved by the department of local government finance under IC 6-1.1-17. ~~For purposes of fixing its budget and for purposes of the ad valorem property tax levy limits imposed under IC 6-1.1-18.5, the township shall treat the money transferred under this section that the department of local government finance permits it to spend during a particular calendar year as part of its ad valorem property tax levy for that same calendar year.~~

(f) This section expires January 1, ~~2021.~~ **2022.**

SECTION 80. IC 36-6-6-17 IS ADDED TO THE INDIANA CODE

AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 17. (a) This section does not apply to a township located in a county having a consolidated city.**

(b) As used in this section, "immediate family member" refers only to any of the following relatives of an individual:

(1) A parent.

(2) A sibling.

(3) A spouse.

(4) A child.

A relative by adoption, half-blood, marriage, or remarriage is considered as a relative of whole kinship.

(c) A member of the township board may not participate in a vote on the adoption of the township's budget and tax levies if the member is an immediate family member of the township trustee.

(d) Notwithstanding any other law, if at least a majority of the members of the township board are precluded from voting on the township's budget and tax levies under subsection (c), the township's most recent annual appropriations are continued for the ensuing budget year, subject to the following:

(1) The township trustee may petition the county fiscal body for an increase in the township's budget under subsection (e).

(2) The township trustee may petition the county fiscal body for any additional appropriations under subsection (f).

(e) If subsection (d) applies, the township trustee may petition the county fiscal body for an increase in the township's budget and property tax levies. The county fiscal body may grant or deny the petition only after conducting a public hearing on the petition.

(f) If subsection (d) applies, the county fiscal body may adopt any additional appropriations of the township by ordinance before the department of local government finance may approve the additional appropriation.

SECTION 81. IC 36-7-9-13, AS AMENDED BY P.L.169-2006, SECTION 64, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 13. (a) If all or any part of the costs listed in section 12 of this chapter remain unpaid for any unsafe premises (other than unsafe premises owned by a governmental entity) for more than fifteen (15) days after the completion of the work, the

enforcement authority does not act under section 13.5 of this chapter, and the enforcement authority determines that there is a reasonable probability of obtaining recovery, the enforcement authority shall prepare a record stating:

(1) the name and last known address of each person who held a known or recorded fee interest, life estate interest, or equitable interest of a contract purchaser in the unsafe premises from the time the order requiring the work to be performed was recorded to the time that the work was completed;

(2) the legal description or address of the unsafe premises that were the subject of work;

(3) the nature of the work that was accomplished;

(4) the amount of the unpaid bid price of the work that was accomplished; and

(5) the amount of the unpaid average processing expense.

~~The record must be in a form approved by the state board of accounts.~~

(b) The enforcement authority, or its head, shall swear to the accuracy of the record before the clerk of the circuit court and deposit the record in the clerk's office. Notice that the record has been filed and that a hearing on the amounts indicated in the record may be held must be sent in the manner prescribed by section 25 of this chapter to all of the following:

(1) The persons named in the record.

(2) Any mortgagee that has a known or recorded substantial property interest.

(c) If, within thirty (30) days after the notice required by subsection (b), a person named in the record or a mortgagee files with the clerk of the circuit court a written petition objecting to the claim for payment and requesting a hearing, the clerk shall enter the cause on the docket of the circuit or superior court as a civil action, and a hearing shall be held on the question in the manner prescribed by IC 4-21.5. However, issues that could have been determined under section 8 of this chapter may not be entertained at the hearing. At the conclusion of the hearing, the court shall either sustain the petition or enter a judgment against the persons named in the record for the amounts recorded or for modified amounts.

(d) If no petition is filed under subsection (c), the clerk of the circuit court shall enter the cause on the docket of the court and the court shall

enter a judgment for the amounts stated in the record.

(e) A judgment under subsection (c) or (d), to the extent that it is not satisfied under IC 27-2-15, is a debt and a lien on all the real and personal property of the person named, or a joint and several debt and lien on the real and personal property of the persons named in the record prepared under subsection (a). The lien on real property is perfected against all creditors and purchasers when the judgment is entered on the judgment docket of the court. The lien on personal property is perfected by filing a lis pendens notice in the appropriate filing office, as prescribed by the Indiana Rules of Trial Procedure.

(f) Judgments rendered under this section may be enforced in the same manner as all other judgments are enforced.

SECTION 82. IC 36-7-15.6-23 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE MARCH 1, 2020 (RETROACTIVE)]: **Sec. 23. (a) This section applies only to a district established after December 31, 2019.**

(b) Notwithstanding section 16(d) of this chapter, money in the fund of a district may be used for a flood control works project in a location outside the boundaries of the district if the flood control works project outside the boundaries of the district directly benefits special flood hazard property within the district.

(c) Notwithstanding section 17(a) and 17(g) of this chapter, money received by a district from bonds issued under section 17 of this chapter may be applied to the payment or reimbursement of the cost of a flood control works project in a location outside the boundaries of the district if the flood control works project outside the boundaries of the district directly benefits special flood hazard property within the district.

(d) Notwithstanding section 19(a) and 19(d) of this chapter:

(1) money received from bonds described in section 19(a) of this chapter may be applied to the payment of the costs of a flood control works project of a district; and

(2) money in the flood control improvement fund of the district may be applied to reimburse debt service payments on the bonds described in section 19(a) of this chapter;

even though the flood control works project was in a location

outside the boundaries of the district, if the flood control works project directly benefits special flood hazard property within the district.

(e) This section expires March 1, 2022.

SECTION 83. IC 36-8-8-14.2 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 14.2. (a) This section applies to every unit that is an employer of one (1) or more individuals who are active members of the 1977 fund.**

(b) As used in this section, "survivor" means:

(1) a surviving spouse of a deceased member of the 1977 fund; or

(2) a surviving natural child, stepchild, or adopted child of a deceased member of the 1977 fund;

who is entitled to health insurance coverage under section 14.1(h) of this chapter.

(c) If a unit is obligated under section 14.1(h) of this chapter to pay for health insurance coverage for one (1) or more survivors of a deceased member of the 1977 fund who died in the line of duty, the legislative body of the unit may establish a public safety officer survivors' health coverage cumulative fund under this section to pay for health coverage under section 14.1(h) of this chapter.

(d) The fiscal body of a unit may provide money for a public safety officer survivors' health coverage cumulative fund established under subsection (c) by levying a tax in compliance with IC 6-1.1-41 on the taxable property in the unit.

(e) The property tax rate that may be imposed under this section for property taxes first due and payable during a particular year may not exceed the rate necessary to pay the annual cost of the health coverage that the unit is obligated to pay under section 14.1(h) of this chapter. The unit shall provide any documentation requested by the department of local government finance that is necessary to certify the rate adopted by the unit. The unit's maximum permissible ad valorem property tax levy determined under IC 6-1.1-18.5-3 excludes the property tax levied under this section.

(f) The tax money collected under this section shall be held in a

special fund to be known as the public safety officer survivors' health coverage cumulative fund.

(g) In a consolidated city, money may be transferred from the public safety officer survivors' health coverage cumulative fund to the fund of a department of the consolidated city responsible for carrying out a purpose for which the public safety officer survivors' health coverage cumulative fund was created. The department may not expend any money transferred under this subsection until an appropriation is made, and the department may not expend any money transferred under this subsection for operating costs of the department.

SECTION 84. IC 36-12-3-12, AS AMENDED BY P.L.257-2019, SECTION 167, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 12. (a) The library board shall determine the rate of taxation for the library district that is necessary for the proper operation of the library. The library board shall certify the rate to the county auditor. An additional rate may be levied under section 10(4) of this chapter.

(b) If the library board fails to:

(1) give:

(A) a first published notice to the board's taxpayers of the board's proposed budget and tax levy for the ensuing year at least ten (10) days before the public hearing required under IC 6-1.1-17-3; and

(B) a second published notice to the board's taxpayers of the board's proposed budget and tax levy for the ensuing year at least three (3) days before the public hearing required under IC 6-1.1-17-3; or

(2) finally adopt the budget and fix the tax levy not later than ~~September 30;~~ **November 1;**

the last preceding annual appropriation made for the public library is renewed for the ensuing year, and the last preceding annual tax levy is continued. Under this subsection, the treasurer of the library board shall report the continued tax levy to the county auditor not later than ~~September 30.~~ **November 1.**

SECTION 85. [EFFECTIVE JANUARY 1, 2017 (RETROACTIVE)] **(a) This SECTION applies notwithstanding**

IC 6-1.1-10, IC 6-1.1-11, or any other law or administrative rule or provision.

(b) This SECTION applies to an assessment date occurring after December 31, 2016, and before January 1, 2020.

(c) As used in this SECTION, "eligible property" means real property:

(1) on which property taxes were imposed for the 2017, 2018, and 2019 assessment dates; and

(2) that would have been eligible for an exemption from property taxation under IC 6-1.1-10-25(a)(8) for the 2017, 2018, and 2019 assessment dates if an exemption application had been properly and timely filed under IC 6-1.1 for the real property.

(d) As used in this SECTION, "qualified taxpayer" refers to a nonprofit veterans organization that owns eligible property.

(e) A qualified taxpayer may, before September 1, 2020, file a property tax exemption application and supporting documents claiming a property tax exemption under IC 6-1.1-10-16 or IC 6-1.1-10-25(a)(8) for any assessment date described in subsection (b).

(f) A property tax exemption application filed under subsection (e) by a qualified taxpayer is considered to have been properly and timely filed.

(g) If a qualified taxpayer files property tax exemption applications under subsection (e), the following apply:

(1) The property tax exemption for the eligible property is allowed and granted for the 2017, 2018, and 2019 assessment dates by the county assessor and county auditor of the county in which the eligible property is located.

(2) The qualified taxpayer is not required to pay any property taxes, penalties, interest, or tax sale reimbursement expenses with respect to the eligible property exempted under this SECTION for the 2017, 2018, and 2019 assessment dates.

(3) If the eligible property was placed on the list certified under IC 6-1.1-24-1 or IC 6-1.1-24-1.5 or was otherwise subject to a tax sale under IC 6-1.1-24 and IC 6-1.1-25 because one (1) or more installments of property taxes due for

the eligible property for the 2017, 2018, and 2019 assessment dates were not timely paid:

(A) the county auditor shall remove the eligible property from the list certified under IC 6-1.1-24-1 or IC 6-1.1-24-1.5; and

(B) a tax deed may not be issued under IC 6-1.1-25 for the eligible property for any tax sale of the eligible property under IC 6-1.1-24 and IC 6-1.1-25 that was held because one (1) or more installments of property taxes due for the eligible property for the 2017, 2018, and 2019 assessment dates were not timely paid.

(h) A taxpayer is entitled to the exemption from real property tax as claimed on a property tax exemption application filed under this SECTION, regardless of whether:

(1) a property tax exemption application was previously filed for the same or similar property for the assessment date;

(2) the county property tax assessment board of appeals has issued a final determination regarding any previously filed property tax exemption application for the assessment date;

(3) the taxpayer appealed any denial of a previously filed property tax exemption application for the assessment date; or

(4) the records of the county in which the property subject to the property tax exemption application is located identified the taxpayer as the owner of the property on the assessment date described in subsection (b) for which the property tax exemption is claimed.

(i) The exemption allowed by this SECTION shall be applied and considered approved without the need for any further ruling or action by the county assessor, the county auditor, or the county property tax assessment board of appeals of the county in which the eligible property is located or by the Indiana board of tax review. The exemption approval is final and may not be appealed by the county assessor, the county property tax assessment board of appeals, or any member of the county property tax assessment board of appeals.

(j) To the extent the qualified taxpayer has paid any property

taxes, penalties, or interest with respect to the eligible property for the 2017, 2018, and 2019 assessment dates, the eligible taxpayer is entitled to a refund of the amounts paid. Notwithstanding the filing deadlines for a claim in IC 6-1.1-26, any claim for a refund filed by an eligible taxpayer under this subsection before September 1, 2020, is considered timely filed. The county auditor shall pay the refund due under this SECTION in one (1) installment.

(k) This SECTION expires July 1, 2023.

SECTION 86. [EFFECTIVE JANUARY 1, 2018 (RETROACTIVE)] **(a) This SECTION applies notwithstanding IC 6-1.1-10, IC 6-1.1-11, or any other law or administrative rule or provision.**

(b) This SECTION applies to an assessment date occurring after December 31, 2017, and before January 1, 2020.

(c) As used in this SECTION, "eligible property" means real property:

(1) that was conveyed to an eligible taxpayer in 2014 or 2017;

(2) on which property taxes were imposed for the 2018 and 2019 assessment dates; and

(3) that would have been eligible for an exemption from property taxation under IC 6-1.1-10-16 for the 2018 and 2019 assessment dates if an exemption application had been properly and timely filed under IC 6-1.1 for the real property.

(d) As used in this SECTION, "qualified taxpayer" refers to a nonprofit corporation created in 1903 that owns eligible property.

(e) A qualified taxpayer may, before September 1, 2020, file a property tax exemption application and supporting documents claiming a property tax exemption under IC 6-1.1-10-16 for any assessment date described in subsection (b).

(f) A property tax exemption application filed under subsection (e) by a qualified taxpayer is considered to have been properly and timely filed.

(g) If a qualified taxpayer files the property tax exemption applications under subsection (e), the following apply:

(1) The property tax exemption for the eligible property is allowed and granted for the 2018 and 2019 assessment dates by the county assessor and county auditor of the county in

which the eligible property is located.

(2) The qualified taxpayer is not required to pay any property taxes, penalties, interest, or tax sale reimbursement expenses with respect to the eligible property exempted under this SECTION for the 2018 and 2019 assessment dates.

(3) If the eligible property was placed on the list certified under IC 6-1.1-24-1 or IC 6-1.1-24-1.5 or was otherwise subject to a tax sale under IC 6-1.1-24 and IC 6-1.1-25 because one (1) or more installments of property taxes due for the eligible property for the 2018 and 2019 assessment dates were not timely paid:

(A) the county auditor shall remove the eligible property from the list certified under IC 6-1.1-24-1 or IC 6-1.1-24-1.5; and

(B) a tax deed may not be issued under IC 6-1.1-25 for the eligible property for any tax sale of the eligible property under IC 6-1.1-24 and IC 6-1.1-25 that was held because one (1) or more installments of property taxes due for the eligible property for the 2018 and 2019 assessment dates were not timely paid.

(h) A taxpayer is entitled to the exemption from real property tax as claimed on a property tax exemption application filed under this SECTION, regardless of whether:

(1) a property tax exemption application was previously filed for the same or similar property for the assessment date;

(2) the county property tax assessment board of appeals has issued a final determination regarding any previously filed property tax exemption application for the assessment date;

(3) the taxpayer appealed any denial of a previously filed property tax exemption application for the assessment date; or

(4) the records of the county in which the property subject to the property tax exemption application is located identified the taxpayer as the owner of the property on the assessment date described in subsection (b) for which the property tax exemption is claimed.

(i) The exemption allowed by this SECTION shall be applied

and considered approved without the need for any further ruling or action by the county assessor, the county auditor, or the county property tax assessment board of appeals of the county in which the eligible property is located or by the Indiana board of tax review. The exemption approval is final and may not be appealed by the county assessor, the county property tax assessment board of appeals, or any member of the county property tax assessment board of appeals.

(j) To the extent the qualified taxpayer has paid any property taxes, penalties, or interest with respect to the eligible property for the 2018 and 2019 assessment dates, the eligible taxpayer is entitled to a refund of the amounts paid. Notwithstanding the filing deadlines for a claim in IC 6-1.1-26, any claim for a refund filed by an eligible taxpayer under this subsection before September 1, 2020, is considered timely filed. The county auditor shall pay the refund due under this SECTION in one (1) installment.

(k) This SECTION expires July 1, 2023.

SECTION 87. [EFFECTIVE JANUARY 1, 2020 (RETROACTIVE)] **(a) This SECTION applies notwithstanding IC 6-1.1-10, IC 6-1.1-11, or any other law or administrative rule or provision.**

(b) This SECTION applies to assessment dates after December 31, 2017, and before January 1, 2020.

(c) As used in this SECTION, "eligible property" means any real property:

(1) that is owned, occupied, and used by a taxpayer that is a church or religious society and is used for one (1) or more of the purposes described in IC 6-1.1-10-16 or IC 6-1.1-10-21;

(2) for which an exemption application was filed after June 8, 2019, and before June 15, 2019; and

(3) that would have been eligible for an exemption under IC 6-1.1-10-16 or IC 6-1.1-10-21 for assessment dates after December 31, 2017, and before January 1, 2020, if an exemption application had been properly and timely filed under IC 6-1.1 for the property.

(d) Before September 1, 2020, the owner of eligible property may file a property tax exemption application and supporting

documents claiming a property tax exemption under this SECTION for the eligible property for an assessment date after December 31, 2017, and before January 1, 2020.

(e) A property tax exemption application filed as provided in subsection (d) is considered to have been properly and timely filed for each assessment date.

(f) The following apply if the owner of eligible property files a property tax exemption application as provided in subsection (d):

(1) The property tax exemption for the eligible property shall be allowed and granted for the applicable assessment date by the county assessor and county auditor of the county in which the eligible property is located.

(2) The owner of the eligible property is not required to pay any property taxes, penalties, or interest with respect to the eligible property for the applicable assessment date.

(g) The exemption allowed by this SECTION shall be applied without the need for any further ruling or action by the county assessor, the county auditor, or the county property tax assessment board of appeals of the county in which the eligible property is located or by the Indiana board of tax review.

(h) To the extent the owner of the eligible property has paid any property taxes, penalties, or interest with respect to the eligible property for an applicable date and to the extent that the eligible property is exempt from taxation as provided in this SECTION, the owner of the eligible property is entitled to a refund of the amounts paid. The owner is not entitled to any interest on the refund under IC 6-1.1 or any other law to the extent interest has not been paid by or on behalf of the owner. Notwithstanding the filing deadlines for a claim under IC 6-1.1-26, any claim for a refund filed by the owner of eligible property under this SECTION before September 1, 2020, is considered timely filed. The county auditor shall pay the refund due under this SECTION in one (1) installment.

(i) This SECTION expires June 30, 2022.

SECTION 88. [EFFECTIVE UPON PASSAGE] **(a) IC 6-1.1-12-9, IC 6-1.1-12-14, and IC 6-1.1-20.6-8.5, all as amended by this act, apply to assessment dates after December 31, 2019.**

(b) This SECTION expires June 30, 2023.

SECTION 89. **An emergency is declared for this act.**

P.L.160-2020

[H.1131. Approved March 21, 2020.]

AN ACT to amend the Indiana Code concerning utilities.

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

SECTION 1. IC 8-1-1.9-3, AS ADDED BY P.L.126-2018, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. As used in this chapter, "water or wastewater utility" means:

(1) a public utility that provides water service, wastewater service, or both water service and wastewater service to the public; **or**

(2) a municipally owned utility that provides water service to less than eight thousand (8,000) customers.

SECTION 2. IC 8-1-1.9-4, AS ADDED BY P.L.126-2018, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) Notwithstanding IC 8-1-2.7 and any other law under which a water or wastewater utility is exempt from or may withdraw from the jurisdiction of the commission, a water or wastewater utility that is organized ~~as a legal entity~~ after June 30, 2018, is subject to the jurisdiction of the commission with respect to:

(1) rates and charges;

(2) stocks, bonds, notes, or other evidence of indebtedness;

(3) rules; and

(4) the annual report filing requirement;

for the period of ten (10) years beginning on the day on which the water or wastewater utility is organized. ~~as a legal entity.~~

(b) This section does not affect:

(1) any statutes requiring or permitting a water or wastewater utility to petition the commission before providing service to the public; or

(2) the commission's jurisdiction regarding statutes and petitions referred to in subdivision (1).

SECTION 3. IC 8-1-2-46.2, AS ADDED BY P.L.91-2017, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 46.2. (a) As used in this section, "water or wastewater utility" means a public utility, other than a not-for-profit utility, as defined in section 125(a) of this chapter, that provides water or wastewater service to the public.

(b) Notwithstanding any law or rule governing extension of service, a water or wastewater utility may, on a nondiscriminatory basis, extend service for economic development purposes or to rural areas without a deposit or other adequate assurance of performance from the customer, to the extent that the extension of service results in a positive contribution to the utility's overall cost of service over a twenty (20) year period. However, if the water or wastewater utility determines that the extension of service will not result in a positive contribution to the utility's overall cost of service over a twenty (20) year period, the water or wastewater utility may require a deposit or other adequate assurance of performance from:

(1) the developer of the project; or

(2) a local, regional, or state economic development organization.

(c) Subsection (d) applies if:

(1) a county executive, a municipal legislative body, or, in Marion County, the county fiscal body, establishes an infrastructure development zone under IC 6-1.1-12.5-4; and

(2) the county executive, municipal legislative body, or county fiscal body requests a public utility to extend water or wastewater utility service to the geographic territory established as the infrastructure development zone.

(d) A water or wastewater utility that receives a request described in subsection (c)(2) may file a petition with the commission seeking approval of the requested extension of service. If the commission approves the petition, in future general rate cases, the commission shall

approve rate schedules that include a surcharge payable only by customers located in the geographic area within the jurisdiction of the governmental entity described in subsection (c), ~~including~~ **or, if requested by the governmental entity, only within** the geographic area established as an infrastructure development zone. The surcharge shall recover depreciation expense, weighted cost of capital, and federal and state income tax applicable to the extension of water or wastewater utility service.

SECTION 4. IC 8-1-2-101.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 101.5. (a) This section applies to:**

(1) a water main extension;

(2) a wastewater main extension; or

(3) an agreement that:

(A) is for a water main extension or a wastewater main extension; and

(B) is entered into after June 30, 2020, by a utility and the person requesting the extension.

(b) As used in this section, "utility" means a municipally owned utility (as defined in IC 8-1-2-1(h)) that provides water service or wastewater service, or both, to the public.

(c) With respect to any water main extension or wastewater main extension, a utility shall comply with the commission's rules governing water main extensions or wastewater main extensions, as applicable, including:

(1) 170 IAC 6-1.5, in the case of a water main extension; or

(2) 170 IAC 8.5-4, in the case of a wastewater main extension;

as may be amended by the commission, regardless of whether the utility is subject to the jurisdiction of the commission for the approval of rates and charges. However, a utility is not required to comply with any provisions in the commission's main extension rules that require reporting to the commission.

(d) Disputes arising under this section may be submitted as informal complaints to the commission's consumer affairs division, in accordance with IC 8-1-2-34.5(b) and the commission's rules under 170 IAC 16, including provisions for referrals and appeals

to the full commission, regardless of whether the person requesting the extension is a customer of the utility.

(e) The commission shall adopt by:

(1) order; or

(2) rule under IC 4-22-2;

other procedures not inconsistent with this section that the commission determines to be reasonable or necessary to administer this section. In adopting the rules under this section, the commission may adopt emergency rules in the manner provided by IC 4-22-2-37.1. Notwithstanding IC 4-22-2-37.1(g), an emergency rule adopted by the commission under this subsection and in the manner provided by IC 4-22-2-37.1 expires on the date on which a rule that supersedes the emergency rule is adopted by the commission under IC 4-22-2-24 through IC 4-22-2-36.

(f) If the commission determines that it requires additional staff to handle the volume of informal complaints submitted under this section, the commission may impose a fee under this section. Any fee charged by the commission under this section may:

(1) not exceed:

(A) the commission's actual costs in administering this section; or

(B) seven hundred fifty dollars ($750);

whichever is less; and

(2) be assessed against the party against whom a decision is rendered under this section.

SECTION 5. IC 8-1-30.3-5, AS AMENDED BY P.L.229-2019, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) This section applies if:

(1) a utility company acquires property from an offered utility in a transaction involving a willing buyer and a willing seller; and

(2) at least one (1) utility company described in subdivision (1) is subject to the jurisdiction of the commission under this article.

(b) Subject to subsection (c), there is a rebuttable presumption that a cost differential is reasonable.

(c) If the acquisition:

(1) is made under IC 8-1.5-2-6.1, and to the extent the purchase price does not exceed the appraised value as determined under

IC 8-1.5-2-5; **or**

(2) is not made under IC 8-1.5-2-6.1, and to the extent the purchase price does not exceed the appraised value as determined under section 5.5 of this chapter;

the purchase price is considered reasonable for purposes of subsection (d) and any resulting cost differential is considered reasonable.

(d) Before closing on the acquisition, the utility company that acquires the utility property may petition the commission to include any cost differential as part of its rate base in future rate cases. The commission shall approve the petition if the commission finds the following:

(1) The utility property is used and useful to the offered utility in providing water service, wastewater service, or both water and wastewater service.

(2) The offered utility is too small to capture economies of scale or has failed to furnish or maintain adequate, efficient, safe, and reasonable service and facilities.

(3) The utility company will improve economies of scale or, if otherwise needed, make reasonable and prudent improvements to the offered utility's plant, the offered utility's operations, or both, so that customers of the offered utility will receive adequate, efficient, safe, and reasonable service.

(4) The acquisition of the utility property is the result of a mutual agreement made at arms length.

(5) The actual purchase price of the utility property is reasonable.

(6) The utility company and the offered utility are not affiliated and share no ownership interests.

(7) The rates charged by the utility company will not increase unreasonably in future general rate cases solely as a result of acquiring the utility property from the offered utility. For purposes of this subdivision, the rates and charges will not increase unreasonably in future general rate cases so long as the net original cost proposed to be recorded under subsection (f) is not greater than two percent (2%) of the acquiring utility's net original cost rate base as determined in the acquiring utility's most recent general rate case. If the amount proposed to be recorded under subsection (f) is greater than two percent (2%) of the acquiring

utility's net original cost rate base as determined in the acquiring utility's most recent general rate case, the commission shall proceed to determine whether the rates charged by the utility company will increase unreasonably in future general rate cases solely as a result of acquiring the utility property from the offered utility and, in making the determination, may consider evidence of:

(A) the anticipated dollar value increase; and

(B) the increase as a percentage of the average bill.

(8) The cost differential will be added to the utility company's rate base to be amortized as an addition to expense over a reasonable time with corresponding reductions in the rate base.

(e) In connection with its petition under subsection (d), the acquiring utility company shall provide the following:

(1) Notice to customers of the acquiring utility company that a petition has been filed with the commission under this chapter. The notice provided under this subdivision must include the cause number assigned to the petition. Notice under this subdivision may be provided to customers in a billing insert.

(2) Notice to the office of the utility consumer counselor.

(3) A statement of known infrastructure, environmental, or other issues affecting the offered utility, and the process for determining reasonable and prudent improvements upon completing the acquisition.

(f) In a proceeding under subsection (d), the commission shall issue its final order not later than two hundred ten (210) days after the filing of the petitioner's case in chief. If the commission grants the petition, the commission's order shall authorize the acquiring utility company to make accounting entries recording the acquisition and that reflect:

(1) the full purchase price;

(2) incidental expenses; and

(3) other costs of acquisition;

as the net original cost of the utility plant in service assets being acquired, allocated in a reasonable manner among appropriate utility plant in service accounts.

SECTION 6. IC 8-1-30.3-5.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 5.5. (a) For purposes of this**

section, an individual, or the company employing the individual, is qualified to perform an appraisal if the individual is:

(1) an engineer registered under IC 25-31; or

(2) an appraiser licensed under IC 25-34.1-8.

(b) For purposes of this section, an individual performing an appraisal, or the company employing the individual, is disinterested if:

(1) the fee for the appraisal services is fixed before the individual performs the appraisal;

(2) the individual is not an employee of one (1) of the parties to the acquisition;

(3) the individual is not a state or municipal employee; and

(4) the:

(A) individual; and

(B) company, if applicable;

do not have affiliated interests (as defined in IC 8-1-2-49) in one (1) of the parties to the acquisition.

(c) An appraisal under section 5(c)(2) of this chapter must be performed by three (3) qualified and disinterested appraisers, including:

(1) at least one (1) appraiser qualified under subsection (a)(1); and

(2) at least one (1) appraiser qualified under subsection (a)(2).

(d) If the three (3) appraisers performing an appraisal for purposes of section 5(c)(2) of this chapter cannot agree as to an appraised value, the appraisal is sufficient for purposes of section 5(c)(2) of this chapter if the appraisal is signed by two (2) of the appraisers.

SECTION 7. IC 8-1-30.3-6, AS AMENDED BY P.L.229-2019, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. For purposes of section 5(d)(2) of this chapter, an offered utility is too small to capture economies of scale or is not furnishing or maintaining adequate, efficient, safe, and reasonable service and facilities if the commission finds one (1) or more of the following:

(1) The offered utility violated one (1) or more state or federal statutory or regulatory requirements in a manner that the

commission determines affects the safety, adequacy, efficiency, or reasonableness of its services or facilities.

(2) The offered utility has inadequate financial, managerial, or technical ability or expertise.

(3) The offered utility fails to provide water in sufficient amounts, that is palatable, or at adequate volume or pressure.

(4) The offered utility, due to necessary improvements to its plant or distribution or collection system or operations, is unable to furnish and maintain adequate service to its customers at rates equal to or less than those of the acquiring utility company.

(5) The offered utility serves fewer than ~~five~~ **eight** thousand ~~(5,000)~~ **(8,000)** customers.

(6) Any other facts that the commission determines demonstrate the offered utility's inability to capture economies of scale or to furnish or maintain adequate, efficient, safe, or reasonable service or facilities.

SECTION 8. IC 36-4-3-4, AS AMENDED BY P.L.206-2016, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) The legislative body of a municipality may, by ordinance, annex any of the following:

(1) Territory that is contiguous to the municipality.

(2) Territory that is not contiguous to the municipality and is occupied by a municipally owned or operated as either of the following:

(A) An airport or landing field.

(B) A wastewater treatment facility or water treatment facility. After a municipality annexes territory under this clause, the municipality may annex additional territory to enlarge the territory for the use of the wastewater treatment facility or water treatment facility only if the county legislative body approves that use of the additional territory by ordinance.

(3) Territory that is not contiguous to the municipality but is found by the legislative body to be occupied by:

(A) a municipally owned or regulated sanitary landfill, golf course, or hospital; or

(B) a police station of the municipality.

However, if territory annexed under subdivision (2) or (3) ceases to be

used for the purpose for which the territory was annexed for at least one (1) year, the territory reverts to the jurisdiction of the unit having jurisdiction before the annexation if the unit that had jurisdiction over the territory still exists. If the unit no longer exists, the territory reverts to the jurisdiction of the unit that would currently have jurisdiction over the territory if the annexation had not occurred. The clerk of the municipality shall notify the offices required to receive notice of a disannexation under section 19 of this chapter when the territory reverts to the jurisdiction of the unit having jurisdiction before the annexation. Territory that is annexed under subdivision (2) (including territory that is enlarged under subdivision (2)(B) for the use of the wastewater treatment facility or water treatment facility) or subdivision (3) may not be considered a part of the municipality for purposes of annexing additional territory.

(b) This subsection applies to municipalities in a county having any of the following populations:

(1) More than seventy thousand fifty (70,050) but less than seventy-one thousand (71,000).

(2) More than seventy-five thousand (75,000) but less than seventy-seven thousand (77,000).

(3) More than seventy-one thousand (71,000) but less than seventy-five thousand (75,000).

(4) More than forty-seven thousand (47,000) but less than forty-seven thousand five hundred (47,500).

(5) More than thirty-eight thousand five hundred (38,500) but less than thirty-nine thousand (39,000).

(6) More than thirty-seven thousand (37,000) but less than thirty-seven thousand one hundred twenty-five (37,125).

(7) More than thirty-three thousand three hundred (33,300) but less than thirty-three thousand five hundred (33,500).

(8) More than twenty-three thousand three hundred (23,300) but less than twenty-four thousand (24,000).

(9) More than one hundred eighty-five thousand (185,000) but less than two hundred fifty thousand (250,000).

(10) More than two hundred fifty thousand (250,000) but less than two hundred seventy thousand (270,000).

(11) More than thirty-two thousand five hundred (32,500) but less

than thirty-three thousand (33,000).

(12) More than seventy-seven thousand (77,000) but less than eighty thousand (80,000).

Except as provided in subsection (c), the legislative body of a municipality to which this subsection applies may, by ordinance, annex territory that is not contiguous to the municipality, has its entire area not more than two (2) miles from the municipality's boundary, is to be used for an industrial park containing one (1) or more businesses, and is either owned by the municipality or by a property owner who consents to the annexation. However, if territory annexed under this subsection is not used as an industrial park within five (5) years after the date of passage of the annexation ordinance, or if the territory ceases to be used as an industrial park for at least one (1) year, the territory reverts to the jurisdiction of the unit having jurisdiction before the annexation if the unit that had jurisdiction over the territory still exists. If the unit no longer exists, the territory reverts to the jurisdiction of the unit that would currently have jurisdiction over the territory if the annexation had not occurred. The clerk of the municipality shall notify the offices entitled to receive notice of a disannexation under section 19 of this chapter when the territory reverts to the jurisdiction of the unit having jurisdiction before the annexation.

(c) A city in a county with a population of more than two hundred fifty thousand (250,000) but less than two hundred seventy thousand (270,000) may not annex territory as prescribed in subsection (b) until the territory is zoned by the county for industrial purposes.

(d) Notwithstanding any other law, territory that is annexed under subsection (b) or (h) is not considered a part of the municipality for the purposes of:

(1) annexing additional territory:

(A) in a county that is not described by clause (B); or

(B) in a county having a population of more than two hundred fifty thousand (250,000) but less than two hundred seventy thousand (270,000), unless the boundaries of the noncontiguous territory become contiguous to the city, as allowed by Indiana law;

(2) expanding the municipality's extraterritorial jurisdictional area; or

(3) changing an assigned service area under IC 8-1-2.3-6(1).

(e) As used in this section, "airport" and "landing field" have the meanings prescribed by IC 8-22-1.

(f) As used in this section, "hospital" has the meaning prescribed by IC 16-18-2-179(b).

(g) An ordinance adopted under this section must assign the territory annexed by the ordinance to at least one (1) municipal legislative body district.

(h) This subsection applies to a city having a population of more than twenty-nine thousand nine hundred (29,900) but less than thirty-one thousand (31,000). The city legislative body may, by ordinance, annex territory that:

(1) is not contiguous to the city;

(2) has its entire area not more than eight (8) miles from the city's boundary;

(3) does not extend more than:

(A) one and one-half (1 1/2) miles to the west;

(B) three-fourths (3/4) mile to the east;

(C) one-half (1/2) mile to the north; or

(D) one-half (1/2) mile to the south;

of an interchange of an interstate highway (as designated by the federal highway authorities) and a state highway (as designated by the state highway authorities); and

(4) is owned by the city or by a property owner that consents to the annexation.

(i) This subsection applies to a city having a population of more than thirty-one thousand seven hundred twenty-five (31,725) but less than thirty-five thousand (35,000) in a county having a population of at least one hundred fifty thousand (150,000) but less than one hundred seventy thousand (170,000). The city legislative body may, by ordinance, annex territory under section 5.1 of this chapter:

(1) that is not contiguous to the city;

(2) that is south of the southernmost boundary of the city;

(3) the entire area of which is not more than four (4) miles from the city's boundary; and

(4) that does not extend more than one (1) mile to the east of

a state highway (as designated by the state highway authorities).

Territory annexed under this subsection is not considered a part of the city for purposes of annexation of additional territory. A city may not require connection to a sewer installed to provide service to territory annexed under this subsection.

SECTION 9. IC 36-4-3-5.1, AS AMENDED BY P.L.228-2015, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5.1. (a) Owners of land **that is** located outside but contiguous to a municipality **or that is located in territory described in section 4(i) of this chapter** may file a petition with the legislative body of the municipality:

(1) requesting an ordinance annexing the area described in the petition; and

(2) signed by:

(A) one hundred percent (100%) of the landowners that reside within the territory that is proposed to be annexed, in the case of a petition filed before July 1, 2015; and

(B) in the case of a petition filed after June 30, 2015, one hundred percent (100%) of the owners of land within the territory that is proposed to be annexed.

(b) Sections 2.1 and 2.2 of this chapter do not apply to an annexation under this section.

(c) The petition circulated by the landowners must include on each page where signatures are affixed a heading that is substantially similar to the following:

"PETITION FOR ANNEXATION INTO THE (insert whether city or town) OF (insert name of city or town).".

(d) The municipality may:

(1) adopt an annexation ordinance annexing the territory; and

(2) adopt a fiscal plan and establish a definite policy by resolution of the legislative body;

after the legislative body has held a public hearing on the proposed annexation.

(e) The municipality may introduce and hold the public hearing on the annexation ordinance not later than thirty (30) days after the petition is filed with the legislative body. Notice of the public hearing may be

published one (1) time in accordance with IC 5-3-1 at least twenty (20) days before the hearing. All interested parties must have the opportunity to testify at the hearing as to the proposed annexation.

(f) The municipality may adopt the annexation ordinance not earlier than fourteen (14) days after the public hearing under subsection (e).

(g) A landowner may withdraw the landowner's signature from the petition not more than thirteen (13) days after the municipality adopts the fiscal plan by providing written notice to the office of the clerk of the municipality. If a landowner withdraws the landowner's signature, the petition shall automatically be considered a voluntary petition that is filed with the legislative body under section 5 of this chapter, fourteen (14) days after the date the fiscal plan is adopted. All provisions applicable to a petition initiated under section 5 of this chapter apply to the petition.

(h) If the municipality does not adopt an annexation ordinance within sixty (60) days after the landowners file the petition with the legislative body, the landowners may file a duplicate petition with the circuit or superior court of a county in which the territory is located. The court shall determine whether the annexation shall take place as set forth in section 5 of this chapter.

(i) A remonstrance under section 11 of this chapter may not be filed. However, an appeal under section 15.5 of this chapter may be filed.

(j) In the absence of an appeal under section 15.5 of this chapter, an annexation ordinance adopted under this section takes effect not less than thirty (30) days after the adoption of the ordinance and upon the filing and recording of the ordinance under section 22 of this chapter.

SECTION 10. IC 36-9-25-11.3, AS ADDED BY P.L.175-2006, SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11.3. (a) This section applies to:

(1) a board and district created under section 3(b)(2) of this chapter; **and**

(2) a board and district to which the following apply:

(A) The district is within the jurisdiction of a department established under section 1(a)(2) of this chapter.

(B) The district is under an order or party to an agreement with one (1) or more state or federal agencies to remediate

environmental conditions.

(b) For purposes of this section, "commission" refers to the Indiana utility regulatory commission created by IC 8-1-1-2.

(c) For purposes of this section, "fees" means fees:

(1) for the treatment and disposal of sewage and other waste discharged into the sewer system of the district; and

(2) related to property that is subject to full taxation.

(d) Fees do not take effect until the fees are:

(1) approved by the board; and

(2) either:

(A) approved in an ordinance adopted by the legislative body of each municipality in the district; or

(B) established by the commission under this section.

(e) Not earlier than thirty (30) days after fees are approved under subsection (d)(1), the board may petition the commission to establish the fees under:

(1) the procedures set forth in IC 8-1-2; and

(2) subsection (f).

(f) The commission shall observe the following requirements when establishing fees for a district:

(1) Fees must be sufficient to enable the district to furnish reasonably adequate services and facilities.

(2) Fees for a service must be nondiscriminatory, reasonable, and just and must produce sufficient revenue, together with taxes levied under this chapter, to do the following:

(A) Pay all legal and other necessary expenses incident to the operation of the utility, including the following:

(i) Maintenance costs.

(ii) Operating charges.

(iii) Upkeep.

(iv) Repairs.

(v) Depreciation.

(vi) Interest charges on bonds or other obligations, including leases.

(B) Provide a sinking fund for the liquidation of bonds or other obligations, including leases.

(C) Provide a debt service reserve for bonds or other

obligations, including leases, in an amount established by the board. The amount may not exceed the maximum annual debt service on the bonds or obligations or the maximum annual lease rentals, if any.

(D) Provide adequate money for working capital.

(E) Provide adequate money for making extensions and replacements to the extent not provided for through depreciation in clause (A).

(F) Provide money for the payment of taxes that may be assessed against the district.

(3) The fees charged by the district must produce an income sufficient to maintain district property in a sound physical and financial condition to render adequate and efficient service. Fees may not be too low to meet these requirements.

(4) If the board petitions the commission under subsection (e), the fees established must produce a reasonable return on the sanitary district facilities.

(5) Fees other than fees established for a municipally owned utility taxed under IC 6-1.1-8-3 must be sufficient to compensate the municipality for taxes that would be due the municipality on the utility property located in the municipality if the property were privately owned.

(6) The commission must grant a request by the board to postpone an increase in fees until after the occurrence of a future event.

(g) The board may transfer fees in lieu of taxes established under subsection (f)(5) to the general fund of the appropriate municipality.

(h) Fees established by the commission under this section take effect to the same extent as if the fees were approved by an ordinance adopted by the legislative body of each municipality in the district.

SECTION 11. **An emergency is declared for this act.**

P.L.161-2020
[H.1165. Approved March 21, 2020.]

AN ACT to amend the Indiana Code concerning utilities.

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

SECTION 1. IC 8-1.5-3-8, AS AMENDED BY P.L.105-2019, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) A municipality owning a utility under this chapter shall furnish reasonably adequate services and facilities.

(b) The rates and charges made by a municipality for a service rendered or to be rendered, either directly or in connection therewith, must be nondiscriminatory, reasonable, and just.

(c) "Reasonable and just rates and charges for services" means rates and charges that produce sufficient revenue to:

(1) pay all the legal and other necessary expenses incident to the operation of the utility, including:

(A) maintenance costs;

(B) operating charges;

(C) upkeep;

(D) repairs;

(E) depreciation;

(F) interest charges on bonds or other obligations, including leases; and

(G) costs associated with the acquisition of utility property under IC 8-1.5-2;

(2) provide a sinking fund for the liquidation of bonds or other obligations, including leases;

(3) provide a debt service reserve for bonds or other obligations, including leases, in an amount established by the municipality, not to exceed the maximum annual debt service on the bonds or obligations or the maximum annual lease rentals;

(4) provide adequate money for working capital;

(5) provide adequate money for making extensions and replacements to the extent not provided for through depreciation in subdivision (1); and

(6) provide money for the payment of any taxes that may be assessed against the utility.

(d) It is the intent of this section that the rates and charges produce an income sufficient to maintain the utility property in a sound physical and financial condition to render adequate and efficient service. Rates and charges too low to meet these requirements are unlawful.

(e) The board may recommend to the municipal legislative body rates and charges sufficient to include a reasonable return on the utility plant of the municipality.

(f) Rates and charges established under this section are subject to the approval of:

(1) the municipal legislative body by ordinance; and

(2) the commission, in accordance with the procedures set forth in IC 8-1-2.

The commission shall approve rates and charges that are sufficient, in addition to the cash revenue requirements set forth in subsection (c), to include a reasonable return on the utility plant of the municipality if the legislative body so elects.

(g) Except for a municipally owned utility taxed under IC 6-1.1-8-3, the commission shall approve rates and charges sufficient to compensate the municipality for taxes that would be due the municipality on the utility property were it privately owned. These rates and charges in lieu of taxes may be transferred to the municipal general fund, if the legislative body so elects.

(h) The commission shall grant a request that an increase in rates and charges not be effective until after the occurrence of a future event if the legislative body so requests.

(i) A municipality that acquires and operates a utility under IC 8-1.5-2 by exercising the power of eminent domain may not impose a special rate, charge, surcharge, or other fee, other than rates and charges approved under this section or otherwise authorized by law, on the customers of the utility in order to pay for the costs associated with acquiring the utility through the exercise of the power of eminent

domain.

(j) This subsection does not apply to services rendered by a sewage works that is subject to IC 36-9-23 or to IC 36-9-25. This subsection also does not apply to services rendered by a department of public utilities created by IC 8-1-11.1 or to services rendered by a utility company owned, operated, or held in trust by a consolidated city. This subsection applies to property that is served by a municipally owned utility and that is occupied by someone other than the owner of the property. Upon applying for utility service from a municipally owned utility for property subject to this subsection, the person occupying the property shall provide the municipally owned utility with the name and contact information of the owner or manager of the property. Subject to subsection (k), all rates, charges, and other fees for services rendered by a municipally owned utility to a property that is subject to this subsection are payable by the person occupying the property if the account or other customer or billing records maintained by the municipally owned utility for the property indicate that:

(1) the property is occupied by someone other than the owner; and

(2) the person occupying the property is responsible for paying the rates, charges, and fees assessed for the services rendered by the municipally owned utility with respect to the property.

Rates, charges, and fees assessed for services rendered by a municipally owned utility with respect to property occupied by someone other than the owner of the property do not constitute a lien against the property.

(k) With respect to property that is served by a municipally owned utility and that is occupied by someone other than the owner of the property, subsection (j) does not:

(1) prohibit a municipal legislative body from imposing any:

(A) requirement for a deposit to ensure payment by the person occupying the property of the rates, charges, and fees assessed for the services rendered by the municipally owned utility with respect to the property; or

(B) other requirement to ensure the creditworthiness of the person occupying the property as the account holder or customer with respect to the property;

that the municipal legislative body may lawfully impose; or

(2) abrogate or limit the authority of the owner of a multi-unit

building to engage in electrical submetering under IC 8-1-2-36.5, subject to:

(A) the owner's qualification to engage in submetering under IC 8-1-2-36.5 and 170 IAC 4-5; and

(B) the owner's compliance with the requirements for submetering set forth in IC 8-1-2-36.5 and 170 IAC 4-5.

(l) With respect to property that is served by a municipally owned utility and that is occupied by someone other than the owner of the property, subsection (k) does not allow a municipal legislative body to impose a requirement that the owner of the property must:

(1) ensure the creditworthiness of the person occupying the property; or

(2) accept responsibility for charges incurred by the person occupying the property;

by cosigning an agreement or by any other method.

SECTION 2. **An emergency is declared for this act.**

P.L.162-2020

[H.1313. Approved March 21, 2020.]

AN ACT to amend the Indiana Code concerning courts and court officers.

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

SECTION 1. IC 31-17-2.2-1, AS AMENDED BY P.L.186-2019, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) Except as provided in subsection (b), a relocating individual must file a notice of the intent to move with the clerk of the court that:

(1) issued the custody order or parenting time order; or

(2) if subdivision (1) does not apply, has jurisdiction over the legal proceedings concerning the custody of or parenting time with a child.

(b) A relocating individual is not required to file a notice of intent to move with the clerk of the court if:

(1) the relocation has been addressed by a prior court order, including a court order relieving the relocating individual of the requirement to file a notice; ~~and~~

or

(2) the relocation will:

(A) result in a decrease in the distance between the relocating individual's residence and the nonrelocating individual's residence; or

(B) result in an increase of not more than twenty (20) miles in the distance between the relocating individual's residence and the nonrelocating individual's residence;

and allow the child to remain enrolled in the child's current school.

(c) Upon motion of a party, the court shall set the matter for a hearing to allow or restrain the relocation of a child and to review and modify, if appropriate, a custody order, parenting time order, grandparent visitation order, or child support order. The court's authority to modify a custody order, parenting time order, grandparent visitation order, or child support order is not affected by the fact that a relocating individual is exempt from the requirement to file a notice of relocation by subsection (b). The court shall take into account the following in determining whether to modify a custody order, parenting time order, grandparent visitation order, or child support order:

(1) The distance involved in the proposed change of residence.

(2) The hardship and expense involved for the nonrelocating individual to exercise parenting time or grandparent visitation.

(3) The feasibility of preserving the relationship between the nonrelocating individual and the child through suitable parenting time and grandparent visitation arrangements, including consideration of the financial circumstances of the parties.

(4) Whether there is an established pattern of conduct by the relocating individual, including actions by the relocating individual

to either promote or thwart a nonrelocating individual's contact with the child.

(5) The reasons provided by the:

(A) relocating individual for seeking relocation; and

(B) nonrelocating parent for opposing the relocation of the child.

(6) Other factors affecting the best interest of the child.

(d) A court may order the relocating individual and the nonrelocating individual to participate in mediation or another alternative dispute resolution process before a hearing under this section:

(1) on its own motion; or

(2) upon the motion of any party.

(e) If a relocation occurs, all existing orders for custody, parenting time, grandparent visitation, and child support remain in effect until modified by the court.

(f) The court may award reasonable attorney's fees for a motion filed under this section in accordance with IC 31-15-10 and IC 34-52-1-1(b).

SECTION 2. IC 33-23-5-5 IS REPEALED [EFFECTIVE JULY 1, 2020]. ~~Sec. 5. A magistrate may do any of the following:~~

~~(1) Administer an oath or affirmation required by law.~~

~~(2) Solemnize a marriage.~~

~~(3) Take and certify an affidavit or deposition.~~

~~(4) Order that a subpoena be issued in a matter pending before the court.~~

~~(5) Compel the attendance of a witness.~~

~~(6) Punish contempt.~~

~~(7) Issue a warrant.~~

~~(8) Set bail.~~

~~(9) Enforce court rules.~~

~~(10) Conduct a preliminary, an initial, an omnibus, or other pretrial hearing.~~

~~(11) Conduct an evidentiary hearing or trial.~~

~~(12) Receive a jury's verdict.~~

~~(13) Verify a certificate for the authentication of records of a proceeding conducted by the magistrate.~~

~~(14) Enter a final order, conduct a sentencing hearing, and impose a sentence on a person convicted of a criminal offense as described~~

~~in section 9 of this chapter.~~

~~(15) Enter a final order or judgment in any proceeding involving matters specified in IC 33-29-2-4 (jurisdiction of small claims docket) or IC 34-26-5 (protective orders to prevent domestic or family violence or harassment).~~

~~(16) Approve and accept criminal plea agreements.~~

~~(17) Approve agreed settlements concerning civil matters.~~

~~(18) Approve:~~

~~(A) decrees of dissolution;~~

~~(B) settlement agreements; and~~

~~(C) any other agreements;~~

~~of the parties in domestic relations actions or paternity actions.~~

SECTION 3. IC 33-23-5-8.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 8.5. Except as provided in section 8 of this chapter, a magistrate has the same powers as a judge.**

SECTION 4. IC 33-23-5-9 IS REPEALED [EFFECTIVE JULY 1, 2020]. ~~Sec. 9. (a) If a magistrate presides at a criminal trial or a guilty plea hearing, the magistrate may do the following:~~

~~(1) Enter a final order.~~

~~(2) Conduct a sentencing hearing.~~

~~(3) Impose a sentence on a person convicted of a criminal offense.~~

~~(b) This subsection does not apply to a consolidated city. Unless the defendant consents, a magistrate who did not preside at the criminal trial may not preside at the sentencing hearing. However, this subsection does not prohibit a magistrate from presiding at a sentencing hearing if there was no trial.~~

SECTION 5. IC 33-23-17 IS REPEALED [EFFECTIVE JULY 1, 2020]. (Judicial Technology Oversight Committee).

SECTION 6. IC 33-24-6-3, AS AMENDED BY P.L.207-2019, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 3. (a) The office of judicial administration shall do the following:

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

(2) Collect and compile statistical data and other information on the judicial work of the courts in Indiana. All justices of the supreme court, judges of the court of appeals, judges of all trial courts, and any city or town courts, whether having general or special jurisdiction, court clerks, court reporters, and other officers and employees of the courts shall, upon notice by the chief administrative officer and in compliance with procedures prescribed by the chief administrative officer, furnish the chief administrative officer the information as is requested concerning the nature and volume of judicial business. The information must include the following:

(A) The volume, condition, and type of business conducted by the courts.

(B) The methods of procedure in the courts.

(C) The work accomplished by the courts.

(D) The receipt and expenditure of public money by and for the operation of the courts.

(E) The methods of disposition or termination of cases.

(3) Prepare and publish reports, not less than one (1) or more than two (2) times per year, on the nature and volume of judicial work performed by the courts as determined by the information required in subdivision (2).

(4) Serve the judicial nominating commission and the judicial qualifications commission in the performance by the commissions of their statutory and constitutional functions.

(5) Administer the civil legal aid fund as required by IC 33-24-12.

(6) Administer the court technology fund established by section 12 of this chapter.

(7) By December 31, 2013, develop and implement a standard protocol for sending and receiving court data:

(A) between the protective order registry, established by IC 5-2-9-5.5, and county court case management systems;

(B) at the option of the county prosecuting attorney, for:

(i) a prosecuting attorney's case management system;

(ii) a county court case management system; and

(iii) a county court case management system developed and operated by the office of judicial administration;

to interface with the electronic traffic tickets, as defined by IC 9-30-3-2.5; and

(C) between county court case management systems and the case management system developed and operated by the office of judicial administration.

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

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

(9) Establish and administer an electronic system for receiving drug related felony conviction information from courts. The office of judicial administration shall notify NPLEx of each drug related felony entered after June 30, 2012, and do the following:

(A) Provide NPLEx with the following information:

(i) The convicted individual's full name.

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

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

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

Upon receipt of the information from the office of judicial administration, a stop sale alert must be generated through NPLEx for each individual reported under this clause.

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

(i) set aside;

(ii) reversed;

(iii) expunged; or

(iv) vacated.

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

individual.

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

~~(11)~~ **(10)** After July 1, 2018, establish and administer an electronic system for receiving from courts felony conviction information for each felony described in IC 20-28-5-8(c). The office of judicial administration shall notify the department of education at least one (1) time each week of each felony described in IC 20-28-5-8(c) entered after July 1, 2018, and do the following:

(A) Provide the department of education with the following information:

(i) The convicted individual's full name.

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

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

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

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

(i) set aside;

(ii) reversed; or

(iii) vacated.

~~(12)~~ **(11)** Perform legal and administrative duties for the justices as determined by the justices.

~~(13)~~ **(12)** Provide staff support for the judicial conference of Indiana established in IC 33-38-9.

~~(14)~~ **(13)** Work with the United States Department of Veterans Affairs to identify and address the needs of veterans in the court system.

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

(c) The office of judicial administration may adopt rules to implement this section.

SECTION 7. IC 33-28-3-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 4. (a) This section

applies after June 30, 2005.

(b) The small claims docket has jurisdiction over the following:

(1) Civil actions in which the amount sought or value of the property sought to be recovered is not more than ~~six~~ **eight** thousand dollars ~~($6,000).~~ **($8,000).** The plaintiff in a statement of claim or the defendant in a counterclaim may waive the excess of any claim that exceeds ~~six~~ **eight** thousand dollars ~~($6,000)~~ **($8,000)** in order to bring it within the jurisdiction of the small claims docket.

(2) Possessory actions between landlord and tenant in which the rent due at the time the action is filed does not exceed ~~six~~ **eight** thousand dollars ~~($6,000).~~ **($8,000).**

(3) Emergency possessory actions between a landlord and tenant under IC 32-31-6.

SECTION 8. IC 33-29-2-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 4. (a) This section applies after June 30, 2005.

(b) The small claims docket has jurisdiction over the following:

(1) Civil actions in which the amount sought or value of the property sought to be recovered is not more than ~~six~~ **eight** thousand dollars ~~($6,000).~~ **($8,000).** The plaintiff in a statement of claim or the defendant in a counterclaim may waive the excess of any claim that exceeds ~~six~~ **eight** thousand dollars ~~($6,000)~~ **($8,000)** in order to bring it within the jurisdiction of the small claims docket.

(2) Possessory actions between landlord and tenant in which the rent due at the time the action is filed does not exceed ~~six~~ **eight** thousand dollars ~~($6,000).~~ **($8,000).**

(3) Emergency possessory actions between a landlord and tenant under IC 32-31-6.

SECTION 9. IC 33-31-2-3, AS ADDED BY P.L.201-2011, SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 3. The small claims docket has jurisdiction over the following:

(1) Civil actions in which the amount sought or value of the property sought to be recovered is not more than ~~six~~ **eight** thousand dollars ~~($6,000).~~ **($8,000).** The plaintiff in a statement

of claim or the defendant in a counterclaim may waive the excess of any claim that exceeds ~~six~~ **eight** thousand dollars ~~($6,000)~~ **($8,000)** in order to bring it within the jurisdiction of the small claims docket.

(2) Possessory actions between landlord and tenant in which the rent due at the time the action is filed does not exceed ~~six~~ **eight** thousand dollars ~~($6,000).~~ **($8,000).**

(3) Emergency possessory actions between a landlord and tenant under IC 32-31-6.

SECTION 10. IC 33-33-49-14, AS AMENDED BY P.L.142-2007, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 14. (a) Not more than thirty (30) days after taking the oath of office, the judges shall meet and designate four (4) of the judges as the executive committee for administrative purposes. The executive committee shall be selected by a vote of two-thirds (2/3) of the judges sitting at the time the vote is taken. If all vacancies cannot be filled by a two-thirds (2/3) vote, vacancies may be filled by such other method as provided by court rule. The executive committee is responsible for the operation and conduct of the court. The executive committee shall operate and maintain the juvenile detention facilities in the county. A member of the executive committee shall serve in the capacity provided by rules adopted by the court under section 11 of this chapter. A member of the executive committee serves for a term of two (2) years beginning on the date of the member's election. Except for the rotation of the presiding judge as provided in subsection (b), any or all of the members elected to the executive committee may be reelected. Of the four (4) judges elected to the executive committee, not more than two (2) may be members of the same political party.

(b) One (1) of the four (4) judges elected to the executive committee shall be elected as presiding judge, and three (3) of the four (4) judges elected to the executive committee shall be elected as associate presiding judges. Beginning with the election of the executive committee in 2007, a presiding judge may not be elected from the same political party as the presiding judge who served the previous term. Each judge who is a member of the executive committee has an equal vote in all matters pertaining to the business of the court when an action

requires a majority vote. If a tie vote occurs, the presiding judge shall cast the tiebreaking vote. Any action taken by the executive committee may be overruled by a vote of two-thirds (2/3) of all the judges sitting at the time the vote is taken. The physical reassignment of a judge to a different courtroom requires a unanimous vote of the executive committee. The executive committee shall assign cases, offices, and courtrooms for trial judges or reassignment of newly filed cases in the interests of the speedy, economical, and uniform disposition of cases. All matters of trial dates, continuances, and subpoenas used for trial shall be determined by the trial judge in accordance with rules of the superior court. The executive committee shall perform other duties as determined by rules of the court.

(c) The court shall, by rules of the court, divide the work of the court into various divisions, including but not limited to the following:

(1) Civil.

(2) Criminal.

(3) ~~Probate.~~ **Family.**

~~(4) Juvenile.~~

(d) The work of each division shall be allocated by the rules of the court.

(e) The judges shall be assigned to various divisions or rooms as provided by rules of the court. Whenever possible, an incumbent judge shall be allowed the option of remaining in a particular room or division. Whenever any action of the court is required, the judges of the court shall act in concert, by a vote under section 11 of this chapter. The court shall keep appropriate records of rules, orders, and assignments of the court.

SECTION 11. IC 33-33-49-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 16. (a) An appointed probate hearing judge or probate commissioner shall be vested by the judge of the probate division with suitable powers for the handling of all probate matters of the court, including the following:

(1) Fixing of all bonds.

(2) Auditing accounts of estates, guardianships, and trusts.

(3) Accepting reports, accounts, and settlements filed in the court.

(4) Appointing personal representatives, guardians, and trustees.

(5) Probating wills.

(6) Taking or hearing evidence on or concerning matters described in this subsection or any other probate, guardianship, or trust matters in litigation before the court.

(7) Enforcing court rules.

(8) Making reports to the court concerning the judge's or commissioner's doings in the proceedings described in this subsection, including reports concerning the commissioner's findings and conclusions regarding the proceedings.

However, all matters handled by a hearing judge or commissioner under this subsection are under the final jurisdiction and decision of the judge of the probate division.

(b) A juvenile referee appointed by the judge of the juvenile division shall have all suitable powers for the handling of the juvenile matters of the court, including the following:

(1) Fixing of bonds.

(2) Taking and hearing evidence on or concerning juvenile matters in litigation before the court.

(3) Enforcing court rules.

(4) Making reports to the court concerning the juvenile referee's handling of proceedings of the juvenile division of the court.

However, all matters handled by a juvenile referee under this subsection are under final jurisdiction and decision of the judge or judges of the juvenile division designated by rules of the court.

(c) A bail commissioner may fix bonds, including the following:

(1) Determining whether an individual is to be released on the individual's own recognizance in criminal cases and proceedings.

(2) Making reports to the court concerning the bail commissioner's activities.

All matters handled by a bail commissioner under this subsection are under the final jurisdiction and decision of the judge or judges of the criminal division as designated by rules of the court.

(d) For any of the purposes specified in this section, a probate hearing judge, probate commissioner, referee, or bail commissioner may do the following:

(1) Summon witnesses to testify before the probate hearing judge, probate commissioner, referee, or bail commissioner.

(2) Administer oaths and take acknowledgments in connection

with duties.

(3) Administer oaths and take acknowledgments generally.

(e) A master commissioner appointed by the court under this section has the powers and duties prescribed for a magistrate under ~~IC 33-23-5-5~~ **IC 33-23-5-6** through ~~IC 33-23-5-9.~~ **IC 33-23-5-8.5.** A master commissioner shall report the findings in each of the matters before the master commissioner in writing to the judge or judges of the division to which the master commissioner is assigned or as designated by rules of the court.

SECTION 12. IC 33-33-49-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 17. (a) The court shall hold sessions in:

(1) the ~~city-county building~~ **community justice campus** in Indianapolis; and

(2) other places in Marion County as the court determines.

(b) The city-county council shall:

(1) provide and maintain in the ~~building~~ **community justice campus** and at other places in Marion County as the court may determine suitable and convenient courtrooms for the holding of the court, suitable and convenient jury rooms, and offices for the judges, other court officers and personnel, and other facilities as are necessary; and

(2) provide all necessary furniture and equipment for rooms and offices of the court.

SECTION 13. **An emergency is declared for this act.**

P.L.163-2020
[H.1343. Approved March 21, 2020.]

AN ACT to amend the Indiana Code concerning transportation.

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

SECTION 1. IC 4-6-2-1.5, AS AMENDED BY P.L.241-2017, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE FEBRUARY 17, 2020 (RETROACTIVE)]: 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) Whenever a member of the fiscal management board appointed under IC 6-1.1-20.3-6.8 is made a party to a civil suit and the attorney general determines that the suit has arisen out of an act by the fiscal management board member that is authorized or required under IC 6-1.1-20.3 or any other law, the attorney general shall defend the fiscal management board member throughout the action.

(g) As used in this subsection, "bridge authority" refers to the New Harmony and Wabash River bridge authority established by IC 8-16-15.5-2. Whenever:

(1) the bridge authority;

(2) a member of the bridge authority;

(3) an officer of the bridge authority; or

(4) an employee of the bridge authority;

is made a party to a civil suit and the attorney general determines that the suit has arisen out of an act or omission of any person described in subdivision (1), (2), (3), or (4), that is authorized or required under IC 8-16-15.5 or any other law, the attorney general shall defend that person throughout the action.

~~(g)~~ **(h)** A determination by the attorney general under subsection (a), (b), (e), ~~or~~ (f), **or (g)** shall not be admitted as evidence in the trial of any such civil action for damages.

~~(h)~~ **(i)** 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.

SECTION 2. IC 8-16-15.5-9 IS REPEALED [EFFECTIVE FEBRUARY 17, 2020 (RETROACTIVE)]. ~~Sec. 9. The:~~

~~(1) members of the bridge authority; and~~

~~(2) officers and employees of the bridge authority;~~

~~responsible for the approval or execution of a bond, lease, obligation,~~

~~or other agreement may not be subject to personal liability or accountability for the performance of any act authorized by this chapter.~~

SECTION 3. IC 8-16-15.5-9.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE FEBRUARY 17, 2020 (RETROACTIVE)]: **Sec. 9.1. (a) Except as provided in subsection (b), the bridge authority and its members, officers, and employees are immune from civil liability resulting from any act or omission related to implementation of this chapter.**

(b) This section does not grant immunity from civil liability to a person who commits an act or omits to do an act that amounts to gross negligence or willful and wanton misconduct.

SECTION 4. IC 34-30-2-25.5, AS ADDED BY P.L.185-2018, SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE FEBRUARY 17, 2020 (RETROACTIVE)]: Sec. 25.5. ~~IC 8-16-15.5-9~~ **IC 8-16-15.5-9.1** (Concerning members, **officers, and employees** of the New Harmony and Wabash River bridge authority).

SECTION 5. **An emergency is declared for this act.**

P.L.164-2020
[H.1385. Approved March 21, 2020.]

AN ACT to amend the Indiana Code concerning natural and cultural resources.

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

SECTION 1. IC 6-6-11-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2021]: Sec. 1. As used in this chapter, "boat" ~~means any device in which a person may be transported upon water and includes every motorboat, sailboat, pontoon boat,~~

~~rowboat, skiff, dinghy, or canoe, regardless of size.~~ **or "watercraft" has the meaning set forth for "watercraft" in IC 9-13-2-198.5.**

SECTION 2. IC 6-6-11-2 IS REPEALED [EFFECTIVE JANUARY 1, 2021]. ~~Sec. 2. As used in this chapter, "boating equipment" means motors used in connection with a boat.~~

SECTION 3. IC 6-6-11-3 IS REPEALED [EFFECTIVE JANUARY 1, 2021]. ~~Sec. 3. As used in this chapter, "boating year" means a calendar year.~~

SECTION 4. IC 6-6-11-4 IS REPEALED [EFFECTIVE JANUARY 1, 2021]. ~~Sec. 4. As used in this chapter, "motorized boat" means a boat that is propelled by an internal combustion, steam, or electrical inboard or outboard motor or engine or propelled by any mechanical means, including a sailboat that is equipped with a motor or engine.~~

SECTION 5. IC 6-6-11-5, AS AMENDED BY P.L.245-2015, SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2021]: Sec. 5. As used in this chapter, "tax situs" means the taxing district in which a boat is located on the ~~assessment date of a boating year unless:~~

~~(1) the boat is acquired after the assessment date, in which case the boat's tax situs is where the owner intends to have the boat on the following assessment date; or~~

~~(2) the boat is registered outside Indiana, in which case the boat's tax situs is the taxing district in which the boat is principally stored or operated during the boating year.~~ **date the boat is registered under IC 9-18.1-14.5.**

SECTION 6. IC 6-6-11-8, AS AMENDED BY P.L.178-2019, SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2021]: Sec. 8. (a) Except as provided in ~~subsections~~ **subsection** (b), ~~and (d),~~ a boat may not be operated, used, docked, or stored ~~in a county~~ during any part of a ~~boating~~ **registration** year **unless:**

~~(1) unless:~~

~~(A) the boat excise tax; and~~

~~(B) the boat registration fees imposed by IC 9-31-3-9;~~

~~for that boat have been paid for that boating year; and~~

~~(2) unless valid boat excise tax decals for that boating year are affixed to the boat.~~

(1) the boat has been registered under IC 9-18.1-14.5; or

(2) the boat is not required to be registered under IC 9-18.1-14.5.

~~(b) A boat may be operated, used, docked, or stored in a county without the boat excise tax having been paid if:~~

~~(1) the boat is exempt from the excise tax under section 9 of this chapter; or~~

~~(2) the operator of the boat has in the operator's possession a bill of sale from a dealer or private individual that includes the following:~~

~~(A) The purchaser's name and address.~~

~~(B) A date of purchase that is not more than thirty-one (31) days preceding the date that the operator is required to show the bill of sale.~~

~~(C) The make and type of boat or the hull identification number.~~

(b) A boat is exempt from the boat excise tax imposed by this chapter if the boat is:

(1) exempt from registration fees under IC 9-18.1-14.5-7; or

(2) used by a person for the production of income and subject to assessment under IC 6-1.1, proof of which has been provided to the bureau.

(c) Boats that are subject to the boat excise tax for a ~~boating~~ **registration** year are not subject to assessment and taxation under IC 6-1.1 for ad valorem property taxes first due and payable in the following ~~boating~~ **registration** year, with respect to the taxpayer who must pay the boat excise tax.

~~(d) A boat may be operated, used, docked, or stored in a county without valid boat excise tax decals for that boating year being affixed to the boat if the decals do not have to be affixed to the boat under rules adopted by the department of natural resources.~~

(d) If the boat excise tax imposed by this chapter was not paid for one (1) or more preceding registration years, the bureau of motor vehicles may collect only the boat excise tax imposed by this chapter for the:

(1) registration year immediately preceding the current registration year;

(2) current registration year; and

(3) registration year immediately following the current registration year.

SECTION 7. IC 6-6-11-9 IS REPEALED [EFFECTIVE JANUARY 1, 2021]. ~~Sec. 9. A boat is exempt from the boat excise tax imposed for a year if the boat is:~~

~~(1) owned by the United States;~~

~~(2) owned by the state or one (1) of its political subdivisions (as defined in IC 36-1-2-13);~~

~~(3) owned by an organization exempt from federal income taxation under 501(c)(3) of the Internal Revenue Code;~~

~~(4) a human powered vessel, as determined by the department of natural resources;~~

~~(5) held by a boat manufacturer, distributor, or dealer for sale in the ordinary course of business;~~

~~(6) used by a person for the production of income and subject to assessment under IC 6-1.1;~~

~~(7) stored in Indiana for less than twenty-two (22) consecutive days and not operated, used, or docked in Indiana;~~

~~(8) except as provided in subdivision (9), registered outside Indiana and operated, used, or docked in Indiana for a combined total of less than twenty-two (22) consecutive days during the boating year;~~

~~(9) a motorboat (as defined by IC 9-13-2-103.5) and is registered outside Indiana and docked on the Indiana part of Lake Michigan for a combined total of not more than one hundred eighty (180) consecutive days; or~~

~~(10) subject to the commercial vessel tonnage tax under IC 6-6-6.~~

SECTION 8. IC 6-6-11-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2021]: Sec. 10. (a) The amount of boat excise tax that a boat owner shall pay for a ~~boating~~ **registration** year is based on the boat's class and age.

(b) ~~Motorized boats and sailboats~~ **Boats** are classified for excise tax purposes according to the value of the boat when the boat was new. The amount of excise tax ~~for a boating year that is imposed for a motorized boat or a sailboat and owed by the boat owner~~ is prescribed in the following table:

~~MOTORIZED BOAT'S or SAILBOAT'S~~ **BOAT** VALUE

CLASS	WHEN NEW AT LEAST but	LESS THAN	TAX DUE
1	$ 0.01	$ 500	$ 2
2	500	1,000	6
3	1,000	1,500	20
4	1,500	2,000	30
5	2,000	3,000	42
6	3,000	5,000	55
7	5,000	7,500	70
8	7,500	10,000	88
9	10,000	15,000	110
10	15,000	22,500	150
11	22,500	35,000	200
12	35,000	50,000	275
13	50,000	75,000	375
14	75,000 or more		500

The bureau of motor vehicles ~~shall~~ **may** adopt rules under IC 4-22-2 for determining the value of new boats. A tax paid under subsection (c) may be used as a credit against the taxes owed for the same ~~boating~~ **registration** year under this subsection.

(c) Notwithstanding subsection (b), the amount of excise tax imposed and owed by a boat owner is twelve dollars ($12) for a ~~motorized~~ boat ~~or a sailboat~~ that is stored in Indiana for sixty (60) consecutive days or more but not operated, used, or docked in Indiana waters, except to facilitate storage of the boat.

SECTION 9. IC 6-6-11-13, AS AMENDED BY P.L.178-2019, SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2021]: Sec. 13. (a) A boat owner shall pay the boat excise tax for a ~~boating~~ **registration** year to the bureau of motor vehicles. ~~If the motorboat is legally registered in another state, the boat owner must pay the excise tax and the two dollar ($2) fee imposed by IC 9-31-3-2 for a boating year to the bureau of motor vehicles.~~

(b) ~~Subject to subsection (c),~~ The tax ~~and fees~~ set forth in subsection (a) must be paid at the same time that the boat owner pays or would pay the registration fee and vehicle excise taxes on motor vehicles under

IC 9-18 (before its expiration), IC 9-18.1, and IC 6-6-5. When the boat owner pays the tax and fees, the owner is entitled to receive the ~~excise tax~~ **registration** decals.

~~(c) If the boat excise tax imposed by this chapter was not paid for one (1) or more preceding boating years, the bureau may collect only the boat excise tax imposed by this chapter for the:~~

~~(1) boating year immediately preceding the current boating year;~~

~~(2) current boating year; and~~

~~(3) boating year immediately following the current boating year.~~

SECTION 10. IC 6-6-11-14, AS AMENDED BY P.L.256-2017, SECTION 77, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2021]: Sec. 14. (a) ~~For~~ **This section applies to** a boat which has been acquired, or brought into Indiana, or for any other reason becomes subject to **registration or** the **boat** excise tax after the regular annual tax payment date in the ~~boating~~ **registration** year on or before which the owner is required to pay the tax on boats under this chapter. The tax imposed by this chapter shall become due and payable no later than

~~(1) the thirty-second day after the boat is operated in Indiana, if the boat is registered in Indiana;~~

~~(2) except as provided in subdivision (3), the twenty-second consecutive day during the boating year that the boat is:~~

~~(A) stored in Indiana; or~~

~~(B) operated, used, or docked in Indiana waters if the boat is registered outside Indiana; or~~

~~(3) the one hundred eighty-first day that the motorboat (as defined by IC 9-13-2-103.5) is docked on the Indiana part of Lake Michigan if the motorboat is registered outside Indiana.~~ **the date the boat is required to be registered in Indiana under IC 9-18.1-14.5-8.**

~~(b) The amount of excise tax to be paid by the owner for the remainder of the year shall be reduced by one-twelfth (1/12) for each full calendar month which has elapsed since the regular annual tax payment date in the year fixed by the bureau of motor vehicles for tax payment by the owner.~~

(b) The boat excise tax owed by the owner at the time of registration of the boat is calculated in the same manner as a motor

vehicle excise tax under IC 6-6-5-7.2(c).

(c) The owner of a boat who sells or otherwise disposes of the boat in a year in which the owner has paid the excise tax imposed by this chapter is entitled to receive a credit that is calculated in the same manner and subject to the same requirements as the credit for the excise tax under IC 6-6-5-7.2(e).

(d) If the name of the owner of a boat is legally changed and the change has caused a change in the owner's annual registration date, the boat excise tax liability of the owner shall be adjusted in the same manner as excise taxes are adjusted under IC 6-6-5-7.2(f).

(e) The owner of a boat registered with the bureau of motor vehicles is entitled to a refund of boat excise taxes calculated in the same manner as motor vehicle excise tax under IC 6-6-5-7.4 if, after the owner's registration date:

(1) the owner registers the boat for use in another state;

(2) the owner pays tax for use of the boat in another state for the same time period for which the tax was paid under this chapter; and

(3) the amount of the refund is at least four dollars ($4).

(f) To claim a credit or a refund, or both, under this chapter, a person must comply with the provisions of IC 6-6-5-7.7.

SECTION 11. IC 6-6-11-15 IS REPEALED [EFFECTIVE JANUARY 1, 2021]. ~~Sec. 15. For a boat which is acquired, or brought into Indiana, or for any other reason becomes subject to taxation under this chapter during the middle of the current boating year, the owner may pay the fees and the excise tax due on the boat as provided in this chapter and any excise tax due on the boat for the remainder of the boating year and simultaneously pay the fees and the excise tax due for the following boating year.~~

SECTION 12. IC 6-6-11-16 IS REPEALED [EFFECTIVE JANUARY 1, 2021]. ~~Sec. 16. (a) Except as provided in sections 11 and 19 of this chapter, a reduction in the excise tax is not allowed to Indiana residents if the boat was owned by the person on or before the person's tax payment date.~~

~~(b) A boat owner is not entitled to a refund of excise taxes paid because the boat owner changes the boat owner's state or country of residency.~~

SECTION 13. IC 6-6-11-17 IS REPEALED [EFFECTIVE JANUARY 1, 2021]. ~~Sec. 17. (a) The owner of a boat who sells or otherwise disposes of the boat in a year in which the boat owner has paid the tax imposed by this chapter is entitled to receive a credit equal to the remainder of:~~

~~(1) the tax paid for the boat; minus~~

~~(2) one-twelfth (1/12) for each full or partial calendar month that has elapsed from the date the tax was due to the date of the sale, destruction, or other disposal of the boat.~~

~~(b) If the credit is not fully used within ninety (90) days after the date of the sale, destruction, or other disposal of the boat and the amount of the credit is at least four dollars ($4), the bureau shall issue a refund to the owner in the amount of the unused credit, less a fee of three dollars ($3) to cover the costs of processing the refund. The bureau shall deposit the processing fee in the commission fund (established by IC 9-14-14-1).~~

~~(c) To claim the credit and refund provided by this section, the owner of the boat must present to the bureau proof of the sale, destruction, or other disposal of the boat.~~

SECTION 14. IC 6-6-11-17.5 IS REPEALED [EFFECTIVE JANUARY 1, 2021]. ~~Sec. 17.5. (a) To claim a credit or refund, or both, a person must provide a sworn statement to the bureau that the person is entitled to the credit or refund, or both, claimed by the person.~~

~~(b) The bureau may inspect records of a person claiming a credit or refund, or both, under this chapter to determine whether a credit or refund, or both, was properly allowed against the excise tax imposed under this chapter for a boat owned by the person.~~

~~(c) If the bureau determines that a credit or refund, or both, was improperly allowed to a person for a boat, the person shall pay the bureau the amount of the credit and refund that was improperly allowed to the person plus a penalty equal to ten percent (10%) of the amount of the credit or refund, or both, that was improperly allowed to the person. The tax collected under this section shall be distributed to the county treasurer of the county where the boat's tax situs is located. However, the bureau shall retain any penalty collected under this subsection.~~

SECTION 15. IC 6-6-11-19 IS REPEALED [EFFECTIVE

JANUARY 1, 2021]. ~~Sec. 19. If the name of the owner of a boat is legally changed and the change has caused a change in the owner's annual tax payment date, the excise tax liability of the owner shall be adjusted as follows:~~

~~(1) If the name change requires the owner to pay the excise tax sooner than the owner would have been required to pay if there had been no name change, the owner shall, at the time the name change is reported, be authorized a refund from the county treasurer in the amount of the product of:~~

~~(A) one-twelfth (1/12) of the owner's last preceding annual excise tax liability; multiplied by~~

~~(B) the number of full calendar months between the owner's new tax payment month and the tax payment month that is based on the owner's former name.~~

~~(2) If the name change requires the owner to pay the excise tax later than the owner would have been required to pay if there had been no name change, the boat is subject to excise tax for the period between the month in which the owner would have been required to pay if there had been no name change and the new tax payment month. The amount of the tax is equal to the amount determined under STEP FOUR of the following formula:~~

~~STEP ONE: Determine the number of full calendar months between the month in which the owner would have been required to register if there had been no name change and the owner's new annual registration month.~~

~~STEP TWO: Multiply:~~

~~(i) the STEP ONE result; by~~

~~(ii) one-twelfth (1/12).~~

~~STEP THREE: Determine the owner's excise tax liability computed as of the time the owner would have been required to pay the excise tax if there had been no name change.~~

~~STEP FOUR: Multiply:~~

~~(i) the STEP TWO result; by~~

~~(ii) the STEP THREE result.~~

SECTION 16. IC 6-6-11-21 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2021]: Sec. 21. The state board of accounts shall prescribe the tax payment form to be used by

the bureau of motor vehicles. The board shall prescribe one (1) document to serve as the form. The form must have a sufficient number of copies for distribution and include appropriate spaces for the following information:

(1) The owner's name and address.

(2) The name of the county and the address of the location where the boat has its tax situs for the ~~boating~~ **registration** year.

(3) A description of the boat, including the manufacturer's specified length for the boat.

(4) The age of the boat.

(5) The class prescribed for the boat under this chapter.

(6) The excise tax imposed on the boat for the ~~boating~~ **registration** year under this chapter.

(7) The boat's state registration or Coast Guard documentation number, if any, and any other information reasonably required by the department of natural resources.

(8) The signature of the boat owner on the owner's copy of the form verifying that the information is true and correct and acknowledging that the boat owner will be subject to penalties for perjury for providing false information.

(9) Any other information prescribed by the state board of accounts.

SECTION 17. IC 6-6-11-22 IS REPEALED [EFFECTIVE JANUARY 1, 2021]. ~~Sec. 22. The department of natural resources shall prescribe the design of the boat excise tax decals in sufficient time for the bureau of motor vehicles to procure a sufficient number of boat excise tax decals for each class of boat. Each decal must:~~

~~(1) state the boating year to which the decal applies;~~

~~(2) have a unique identification number;~~

~~(3) be a different color than the colors used for the previous boating year; and~~

~~(4) be designed so that law enforcement officers can easily identify whether the decal is valid.~~

SECTION 18. IC 6-6-11-23.5 IS REPEALED [EFFECTIVE JANUARY 1, 2021]. ~~Sec. 23.5. The bureau of motor vehicles may issue a decal to a boat owned by an organization exempt from Federal income taxation under 501(c)(3) of the Internal Revenue Code.~~

SECTION 19. IC 6-6-11-24 IS REPEALED [EFFECTIVE JANUARY 1, 2021]. ~~Sec. 24. The taxpayer shall affix the boat excise tax decals:~~

~~(1) to the bow of each side of the boat, within three (3) inches to the right of the boat's registration number; or~~

~~(2) on each side of the forward half of the bow above the water line of the boat if a registration number is not required to be displayed.~~

~~However, the department of natural resources may adopt rules under IC 4-22-2 providing that decals do not have to be affixed to certain types of boats.~~

SECTION 20. IC 6-6-11-26 IS REPEALED [EFFECTIVE JANUARY 1, 2021]. ~~Sec. 26. If a boat owner has a judgment entered against the owner for violating section 25 of this chapter, the court shall transmit a copy of the judgment to the bureau of motor vehicles. A boat owner who does not pay the boat excise tax on or before the due date shall pay a delinquent fee equal to one hundred percent (100%) of the boat excise tax due. The bureau of motor vehicles shall collect this delinquent fee along with the excise taxes due for the boat. The amount collected in delinquent fees shall be credited to a special account within the state general fund to be used as provided in section 35 of this chapter.~~

SECTION 21. IC 6-6-11-27 IS REPEALED [EFFECTIVE JANUARY 1, 2021]. ~~Sec. 27. A person who falsifies, predates, changes, or counterfeits a boat excise tax decal commits a Class C misdemeanor.~~

SECTION 22. IC 6-6-11-29, AS AMENDED BY P.L.178-2019, SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2021]: Sec. 29. (a) The bureau of motor vehicles shall transfer the boat registration fee, the delinquent excise taxes, and the delinquent fees collected under this chapter during the preceding month as follows:

(1) On or before the eleventh day of each month, the bureau of motor vehicles shall transfer to the bureau of motor vehicles commission fund an amount equal to five percent (5%) of each excise tax transaction completed by the bureau. The money is to be used to cover the expenses incurred by or on behalf of the

bureau of motor vehicles ~~for returns, decals, collecting the fees and excise taxes and for amounts deposited in the commission fund.~~ **in administering this chapter.**

~~(2) At least quarterly, the bureau of motor vehicles shall set aside for the department of natural resources the delinquent fees collected under this chapter to use as provided in section 35 of this chapter.~~

~~(3)~~ **(2)** On or before the tenth day of each month, the bureau of motor vehicles shall distribute to each county the excise tax collections ~~including delinquent tax collections,~~ for the county for the preceding month. The bureau of motor vehicles shall include a report with each distribution showing the information necessary for the county auditor to allocate the revenue among the taxing units of the county.

~~(4)~~ **(3)** The bureau of motor vehicles shall deposit the revenue from the boat registration fee imposed by IC 9-31-3-9 **(before its repeal) and IC 9-18.1-14.5-6** in the conservation officers marine enforcement fund established by IC 14-9-8-21.5, the fish and wildlife fund established by IC 14-22-3-2, and the lake and river enhancement fund established by IC 14-22-3.5, as provided in IC 9-31-3-9 **(before its repeal) or IC 9-18.1-14.5-6.**

(b) Money credited to each county's account in the state general fund is appropriated to make the distributions and the transfers required by subsection (a). The distributions shall be made upon warrants drawn from the state general fund.

SECTION 23. IC 6-6-11-30 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2021]: Sec. 30. Before March 1 of each year the bureau of motor vehicles shall prepare a boat excise tax summary covering the previous ~~boating~~ year. The summary must include the following:

(1) The number of boats by county.

(2) The number of boats by class.

(3) The amount of excise tax collected by class.

The bureau shall send a copy of the summary to the auditor of state, the department of natural resources, and the county assessors.

SECTION 24. IC 6-6-11-35 IS REPEALED [EFFECTIVE JANUARY 1, 2021]. ~~Sec. 35. The money set aside from the department~~

~~of natural resources fees for the department of natural resources under section 29 of this chapter is annually appropriated and shall be used exclusively for the following:~~

~~(1) The enforcement of laws pertaining to watercraft.~~

~~(2) The state's share of the cost of retirement benefits for the department's conservation officers.~~

~~(3) Improving the navigable waters of Indiana.~~

SECTION 25. IC 8-4.5-1-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 16. "Recreational trail" means a trail or path that:

(1) includes a corridor along any part of its length; ~~and~~

(2) is intended to be used for:

(A) bicycling;

(B) exercising;

(C) hiking;

(D) running;

(E) riding:

(i) in or on a vehicle of any kind, regardless of the means of propelling the vehicle; or

(ii) on any animal;

(F) walking; or

(G) any other recreational purpose; **and**

(3) is funded through the recreational trails program under IC 8-4.5-5.

However, the term does not include a highway, road, or street (as defined in IC 8-23-1-23).

SECTION 26. IC 8-4.5-4-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 2. The state may acquire any part of a railroad's interest in a corridor under this chapter for any of the following purposes:

(1) A present or future rail line.

(2) A transportation corridor.

(3) A communication corridor.

(4) A ~~recreational~~ trail.

(5) A utility corridor.

(6) The preservation of a railroad corridor.

(7) Any combination of purposes described in subdivisions (1)

through (6).

SECTION 27. IC 8-4.5-4-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 4. In determining whether the state should acquire any part of a railroad's interest in a corridor, the Indiana department of transportation shall consider the following factors:

(1) The potential for future use of the railroad's interest in the corridor as a freight or high-speed passenger rail line, considering the following:

(A) The potential need for use of the railroad's interest in the corridor for future transportation purposes.

(B) The cost of maintaining the railroad's interest in the corridor during any time before the future transportation use will begin.

(C) The effect of any interim use and the future transportation use of the railroad's interest in the corridor on property owners.

(D) Any relevant requirement of any federal law.

(E) Any other factor the department considers relevant.

(2) Based on the recommendation of the department of natural resources, the potential for recreational use of the railroad's interest in the corridor considering the following:

(A) The recreational value of the railroad's interest in the corridor.

(B) The feasibility of using the railroad's interest in the corridor for recreation.

(C) The likelihood that there may be significant recreational use of the railroad's interest in the corridor if the railroad's interest in the corridor is converted to a ~~recreational~~ trail.

(D) The general acceptability of the proposed recreational use of the railroad's interest in the corridor to property owners and the community at large.

(E) The existence of a willing person, whether public or private, to operate the railroad's interest in the corridor for the proposed recreational use.

(F) Any relevant requirement of any federal law.

(G) Any other factor the department considers relevant.

(3) The potential for the use of the railroad's interest in the corridor for communications or utility use.

(4) Whether there are funds to acquire the railroad's interest in the corridor.

SECTION 28. IC 8-4.5-4-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 8. If a railroad's interest in a corridor is acquired under this chapter for a recreational purpose, the railroad's interest in the corridor ~~must~~ **may** be developed and operated under IC 8-4.5-5.

SECTION 29. IC 9-13-2-103.5 IS REPEALED [EFFECTIVE JANUARY 1, 2021]. ~~Sec. 103.5. (a) "Motorboat" means a watercraft propelled by an internal combustion, steam, or electrical inboard or outboard motor or engine or by any mechanical means.~~

~~(b) The term includes a sailboat that is equipped with a motor or an engine described in subsection (a) when the sailboat is in operation whether or not the sails are hoisted.~~

SECTION 30. IC 9-13-2-117.5, AS AMENDED BY P.L.198-2016, SECTION 138, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2021]: Sec. 117.5. "Operate" means to navigate or otherwise be in actual physical control of a vehicle, ~~motorboat,~~ **watercraft,** off-road vehicle, or snowmobile.

SECTION 31. IC 9-13-2-118, AS AMENDED BY P.L.198-2016, SECTION 139, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2021]: Sec. 118. **(a)** Except as provided in ~~IC 9-31,~~ **subsection (b),** "operator" means an individual who operates a vehicle, ~~motorboat,~~ **watercraft,** off-road vehicle, or snowmobile.

(b) "Operator", for purposes of IC 9-18.1-14.5, has the meaning set forth in 33 CFR 174.3.

SECTION 32. IC 9-13-2-121, AS AMENDED BY P.L.198-2016, SECTION 142, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2021]: Sec. 121. **(a)** Except as otherwise provided in ~~IC 9-31,~~ **subsection (b),** "owner" means a person, other than a lienholder, that:

(1) holds the property in or title to, as applicable, a vehicle, manufactured home, mobile home, off-road vehicle, snowmobile, or watercraft; or

(2) is entitled to the use or possession of, as applicable, a vehicle, manufactured home, off-road vehicle, snowmobile, or watercraft,

through a lease or other agreement intended to operate as a security.

(b) "Owner" for purposes of IC 9-18.1-14.5, has the meaning set forth in 33 CFR 174.3.

SECTION 33. IC 9-13-2-196, AS AMENDED BY P.L.142-2019, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2021]: Sec. 196. (a) "Vehicle" means, except as otherwise provided in this section, a device in, upon, or by which a person or property is, or may be, transported or drawn upon a highway. The term does not include the following:

(1) A device moved by human power.

(2) A device that runs only on rails or tracks.

(3) A wheelchair.

(4) An electric foot scooter.

(b) For purposes of IC 9-17, the term includes the following:

(1) Off-road vehicles.

(2) Manufactured homes or mobile homes that are:

(A) personal property not held for resale; and

(B) not attached to real estate by a permanent foundation.

(3) Watercraft.

(c) For purposes of IC 9-22 **(except IC 9-22-6)** and IC 9-32, the term refers to a vehicle **or watercraft** of a type that must be registered under IC 9-18-2 (before its expiration) or IC 9-18.1, other than an off-road vehicle or a snowmobile under IC 9-18-2.5 (before its expiration) or IC 9-18.1-14.

(d) For purposes of IC 9-30-5, IC 9-30-6, IC 9-30-8, and IC 9-30-9, the term means a device for transportation by land or air. The term does not include an electric personal assistive mobility device.

SECTION 34. IC 9-13-2-198.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2021]: Sec. 198.5. **(a)** "Watercraft" means a contrivance used or designed for navigation on water, including a vessel, boat, motor vessel, steam vessel, sailboat, vessel operated by machinery either permanently or temporarily affixed, scow, tugboat, or any marine equipment that is capable of carrying passengers. ~~except a ferry.~~

(b) The term does not include a craft that:

(1) is powered by its occupants, including a canoe, rowboat,

or paddleboat; and

(2) does not contain any type of mechanical propellant, including internal combustion, steam, or electrical inboard or outboard motor or engine.

SECTION 35. IC 9-14-12-2, AS AMENDED BY P.L.27-2018, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2021]: Sec. 2. The bureau shall maintain the following records:

(1) All records related to or concerning certificates of title issued by the bureau under IC 9-17 and IC 9-31 **(before its repeal),** including the following:

(A) An original certificate of title and all assignments and reissues of the certificate of title.

(B) All documents submitted in support of an application for a certificate of title.

(C) Any notations recorded on a certificate of title.

(D) A listing of all reported buyback vehicles in accordance with IC 9-17-3-3.5.

(E) Any inspection that is conducted:

(i) by an employee of the bureau or commission; and

(ii) with respect to a certificate of title issued by the bureau.

(2) All records related to or concerning registrations issued under IC 9-18 (before its expiration), IC 9-18.1, or IC 9-31 **(before its repeal),** including the following:

(A) The distinctive registration number assigned to each vehicle registered under IC 9-18 (before its expiration) or IC 9-18.1 or each watercraft registered under IC 9-31 **(before its repeal).**

(B) All documents submitted in support of applications for registration.

(3) All records related to or concerning credentials issued by the bureau under IC 9-24, including applications and information submitted by applicants.

(4) All driving records maintained by the bureau under section 3 of this chapter.

(5) A record of each individual that acknowledges making an anatomical gift as set forth in IC 9-24-17.

SECTION 36. IC 9-17-1-1, AS AMENDED BY P.L.198-2016,

SECTION 199, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2021]: Sec. 1. (a) This article does not apply to the following:

(1) A vehicle that is not required to be registered under IC 9-18-2 (before its expiration) or IC 9-18.1.

(2) Special machinery.

(3) A motor vehicle that was designed to have a maximum design speed of not more than twenty-five (25) miles per hour and that was built, constructed, modified, or assembled by a person other than the manufacturer.

(4) Motor driven cycles.

(5) An off-road vehicle that was purchased or otherwise acquired before January 1, 2010.

(6) Snowmobiles.

(7) A watercraft that is not required to be registered under IC 9-31-3 **(before its repeal) or IC 9-18.1-14.5.**

(b) Notwithstanding subsection (a), a person may apply for:

(1) a certificate of title under IC 9-17-2-2; or

(2) a special identification number under IC 9-17-4;

for a vehicle listed in subsection (a).

(c) If the bureau issues a certificate of title under subsection (b)(1), the vehicle remains subject to this article until the titleholder surrenders the title to the bureau.

SECTION 37. IC 9-18.1-9-4, AS ADDED BY P.L.198-2016, SECTION 326, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2021]: Sec. 4. The bureau may issue a confidential license plate **or other proof of registration** for investigative purposes to the following:

(1) A state agency upon the annual consent of the bureau or the Indiana department of administration.

(2) Other investigative agencies upon the annual consent of the superintendent of the state police.

SECTION 38. IC 9-18.1-14.5 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2021]:

Chapter 14.5. Watercraft

Sec. 1. (a) Except as provided in subsection (b), a watercraft

may not be operated, used, docked, or stored in Indiana during any part of a calendar year unless the watercraft:

(1) is registered under this chapter; and

(2) displays proof of registration under this chapter.

(b) Registration is not required for the following watercraft:

(1) A watercraft that is from a country other than the United States temporarily using the waters of Indiana.

(2) A ship's lifeboat, when used solely as a lifeboat of another boat and for no other recreational purpose.

(3) Except as provided in subdivision (4), a watercraft that is registered outside of Indiana and operated, used, stored, or docked in Indiana for a combined total of not more than sixty (60) consecutive days during a calendar year.

(4) A watercraft that is registered outside of Indiana and docked on the Indiana part of Lake Michigan for a combined total of not more than one hundred eighty (180) consecutive days.

(5) A watercraft that belongs to a class of boats that has been exempted from registration and numbering by the bureau after the bureau has found the following:

(A) That an agency of the federal government has a numbering system applicable to the class of watercraft to which the watercraft in question belongs.

(B) That the watercraft would also be exempt from numbering if the watercraft were subject to federal law.

(6) A watercraft, the operator of which has in the operator's possession a bill of sale from a dealer licensed under IC 9-32 or private individual that includes the following:

(A) The purchaser's name and address.

(B) A date of purchase that is not more than forty-five (45) days preceding the date that the operator is required to show the bill of sale.

(C) The make, model, and identification number of the watercraft provided by the manufacturer.

(7) A watercraft held by a watercraft manufacturer, distributor, or dealer for sale in the ordinary course of business.

(8) A watercraft subject to the commercial vessel tonnage tax under IC 6-6-6.

(c) A person that fails to register a watercraft that is required to be registered under this chapter commits a Class C infraction.

Sec. 2. (a) A person that desires to register a watercraft must submit an application, in a form and manner prescribed by the bureau, that contains the following information:

(1) The name of the owner of the watercraft, and, if the watercraft is leased, the name of the lessee.

(2) The person's address in Indiana, including the county and township, on the date of the application, as follows:

(A) If the person is an individual, the person's residence address. However, if the person participates in the address confidentiality program under IC 5-26.5, the address may be a substitute address designated by the office of the attorney general under IC 5-26.5.

(B) If the person is not an individual, the person's principal office in Indiana.

(C) If the person does not have a physical residence or office in Indiana, the county and township in Indiana where the watercraft will be primarily operated or stored.

(3) A description of the watercraft to be registered, including the identification number and color of the watercraft.

(4) The tax situs of the watercraft as defined in IC 6-6-11-5.

(5) Any other information required by the bureau.

(b) An application made online or through the United States mail is not required to be sworn or notarized.

(c) A person may apply on behalf of another person to register a watercraft under this chapter. However, the person in whose name the watercraft will be registered must sign and verify the application.

(d) A person that makes a false statement in an application under this section commits a Class C infraction.

Sec. 3. The bureau may not register a watercraft unless:

(1) the watercraft has an identification number;

(2) the registrant:

(A) pays the applicable boat excise tax for the watercraft

under IC 6-6-11; or

(B) provides proof in a manner acceptable to the bureau that the watercraft is exempt from the boat excise tax for watercraft under IC 6-6-11;

(3) the registrant titles the watercraft under IC 9-17; and

(4) the registrant pays the appropriate registration fee under section 6 of this chapter.

Sec. 4. (a) The bureau shall use due diligence in examining and determining the genuineness, regularity, and legality of the information provided by a person as part of a request to register a watercraft under this chapter.

(b) The bureau may:

(1) make investigations or require additional information; and

(2) reject an application or request;

if the bureau is not satisfied of the genuineness, regularity, or legality of an application or the truth of a statement contained in an application or request, or for any other reason.

Sec. 5. (a) If the bureau determines that a person applying to register a watercraft is entitled to register the watercraft, the bureau shall register the watercraft and issue to the applicant proof of registration for display on the watercraft and a certificate of registration.

(b) Proof of registration for display on the watercraft must be displayed in a manner prescribed by the department of natural resources, including the following:

(1) The registration number set forth in the certificate of registration must be displayed on each side of the bow of the watercraft. The display must be legible. However, a watercraft that has a valid marine document issued by the United States Bureau of Customs is not required to display the registration number.

(2) If a watercraft is required to be registered under 33 CFR 173, the registration number must be displayed in the manner prescribed by 33 CFR 173.27.

(3) Decals indicating the year of expiration of registration, with a unique identification number and a different color than colors used for the previous registration year, must be

affixed:

(A) to the bow of each side of the watercraft, within three (3) inches to the right of the watercraft's registration number; or

(B) on each side of the forward half of the bow above the water line of the watercraft if a registration number is not required to be displayed.

However, the department of natural resources may adopt rules under IC 4-22-2 providing that the decals do not have to be affixed to a particular type of watercraft.

(c) A number other than the number awarded to a watercraft or granted reciprocity under this chapter may not be painted, attached, or otherwise displayed on each side of the bow of the watercraft.

(d) A person that fails to:

(1) carry a certificate of registration or a legible reproduction of a certificate of registration; or

(2) display proof of registration for display on the watercraft as required by the department of natural resources;

commits a Class C infraction.

(e) Certificates of registration, decals, and other proof of registration issued under this section:

(1) remain the property of the bureau; and

(2) may be revoked, canceled, or repossessed as provided by law.

(f) A person who knowingly or intentionally falsifies, predates, changes, or counterfeits proof of registration for a watercraft commits a Class C misdemeanor.

Sec. 6. (a) A request for registration under this chapter must be signed by the owner of the watercraft and accompanied by the appropriate fee specified under subsection (b). The fee to renew a watercraft registration is based upon the appropriate fee specified under subsection (c).

(b) The fee to register a watercraft in its first year of registration is the amount determined by STEP THREE of the following formula:

STEP ONE: Determine the appropriate fee based upon the

length of the watercraft as follows:

Watercraft Length (in feet)

At Least	But Less Than	Fee ($) (before January 1, 2017)	Fee ($) (after December 31, 2016)
0	13	16.50	15
13	26	18.50	18
26	40	21.50	21
40		26.50	24

STEP TWO: Determine the appropriate fee based upon the value of the watercraft as follows:

Value ($) Greater Than or Equal to	Value ($) Less Than	Fee ($)
0	1,000	5
1,000	3,000	10
3,000	5,000	15
5,000	10,000	20
10,000		25

STEP THREE: Determine the sum of the STEP ONE amount plus the STEP TWO amount.

(c) The fee to renew a watercraft registration is based upon the value of the watercraft as follows:

Value ($) Greater Than or Equal to	Value ($) Less Than	Fee ($)
0	1,000	10
1,000	3,000	15
3,000	5,000	20
5,000	10,000	25
10,000		30

(d) The bureau shall determine the value of a watercraft in the same manner as set forth in IC 6-6-11-10.

(e) The fees collected under subsection (b) shall be distributed as follows:

(1) Fees collected from STEP ONE of subsection (b) shall be deposited in the fish and wildlife fund established by IC 14-22-3-2 and shall be used exclusively for the following:

(A) The enforcement of laws pertaining to watercraft.

(B) The state's share of the cost of retirement benefits for conservation officers of the department of natural resources.

(C) Improving the navigable waters of Indiana.

(2) Sixty-six and seven-tenths percent (66.7%) of the fees collected from STEP TWO of subsection (b) shall be deposited in the lake and river enhancement fund established by IC 14-22-3.5-1.

(3) Thirty-three and three-tenths percent (33.3%) of the fees collected from STEP TWO of subsection (b) shall be deposited in the conservation officers marine enforcement fund established by IC 14-9-8-21.5.

(f) A fee collected under subsection (c) shall be distributed as follows:

(1) Five dollars ($5) shall be deposited in the fish and wildlife fund established by IC 14-22-3-2 and shall be used exclusively for the following:

(A) The enforcement of laws pertaining to watercraft.

(B) The state's share of the cost of retirement benefits for conservation officers of the department of natural resources.

(C) Improving the navigable waters of Indiana.

(2) The remaining amount shall be distributed as follows:

(A) Sixty-six and seven-tenths percent (66.7%) to the lake and river enhancement fund established by IC 14-22-3.5-1.

(B) Thirty-three and three-tenths percent (33.3%) to the conservation officers marine enforcement fund established by IC 14-9-8-21.5.

(g) The owner of a watercraft that is registered under this section is required to renew the registration under subsection (c), and the person must pay any applicable fees and excise tax under IC 6-6-11-13 on the watercraft each year.

Sec. 7. (a) A watercraft that is owned or leased and used for official business by the following is exempt from the payment of registration fees under this article:

(1) A state or state agency (as defined in IC 6-1.1-1-18).

(2) A municipal corporation (as defined in IC 36-1-2-10).

(3) A volunteer fire department (as defined in IC 36-8-12-2).

(b) The bureau may issue proof of registration under this chapter for a watercraft owned by or leased by the federal government.

(c) The bureau may adopt rules under IC 4-22-2 to assign permanent registration numbers and accompanying registration cards to watercraft owned or leased by an entity listed in subsection (a)(1).

Sec. 8. (a) A watercraft becomes subject to registration under this chapter on the date the watercraft is acquired.

(b) Upon becoming subject to registration under this chapter, a watercraft must be registered for a period that is not:

(1) less than three (3) months; or

(2) greater than twenty-four (24) months.

(c) A registration under this article may be renewed:

(1) for a watercraft with an unexpired registration, for a period of twelve (12) months from the date on which the registration will expire; or

(2) for a watercraft with an expired registration, for a period of not:

(A) less than three (3) months; or

(B) greater than twenty-four (24) months.

(d) Subject to subsection (b), and except as provided for in subsection (h), the registration year for a registration, other than a renewal described in subsection (c), begins on the date on which the watercraft becomes subject to registration as determined under subsection (a) and ends on the following date selected by the person registering the watercraft:

(1) The date on which the watercraft registration expires, as determined under the schedule established under IC 9-18.1-11-1.

(2) Twelve (12) months after the date described in subdivision (1).

(e) If a person sells or otherwise disposes of a watercraft:

(1) the certificate of registration and proof of registration for the watercraft are canceled; and

(2) except as provided in IC 9-33-3, the person is not entitled

to a refund of any unused part of a fee paid by the person under this chapter.

(f) If the watercraft is transferred or sold, the person shall provide ownership documents at the time of delivering the watercraft.

(g) A person that acquires a watercraft that is registered under this chapter must apply to the bureau under this chapter to register the watercraft.

(h) A watercraft registered under this chapter remains subject to continuous registration under this chapter until:

(1) the watercraft is sold or otherwise disposed of; or

(2) the person that registered the watercraft becomes a nonresident.

Sec. 9. (a) If the date on which the registration of a watercraft expires is a day on which all license branches located in the county in which the watercraft is registered are closed, including:

(1) a Sunday; or

(2) a legal holiday listed in IC 1-1-9-1;

the registration expires at midnight on the date following the next day on which a license branch located in the county in which the watercraft is registered is open for business.

(b) Except as provided in subsection (a), a person that owns or operates a watercraft may not operate or permit the operation of a watercraft that:

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

(2) has an expired registration.

(c) A person that operates or permits the operation of a watercraft in violation of subsection (b) commits a Class C infraction.

Sec. 10. (a) The bureau shall collect an administrative penalty of fifteen dollars ($15) from the following:

(1) A person that fails to:

(A) register; or

(B) provide full payment for the registration of;

a watercraft within forty-five (45) days after the date on which the watercraft becomes subject to registration.

(2) A person that fails to:

(A) renew; or

(B) provide full payment for the renewal of;

the registration of a watercraft by the date on which the registration expires.

(b) An administrative penalty collected under subsection (a) shall be deposited in the commission fund.

(c) A person described in subsection (a) commits a Class C infraction.

Sec. 11. (a) If a certificate of registration or decal issued for a watercraft that is registered under this chapter is lost, stolen, destroyed, or damaged, the owner of the watercraft may apply to the bureau for a replacement certificate of registration or decal. If the certificate of registration or decal is lost or stolen, the owner shall provide notice of the loss or theft to a law enforcement agency with jurisdiction over:

(1) the site of the loss or theft; or

(2) the address listed on the certificate of registration.

(b) The bureau shall issue a replacement certificate of registration or decal to the owner of a watercraft after the owner pays a fee of nine dollars and fifty cents ($9.50).

(c) The fee imposed under subsection (b) shall be distributed as follows:

(1) Twenty-five cents ($0.25) to the state construction fund.

(2) Fifty cents ($0.50) to the state motor vehicle technology fund.

(3) One dollar ($1) to the crossroads 2000 fund.

(4) One dollar and fifty cents ($1.50) to the motor vehicle highway account.

(5) One dollar and twenty-five cents ($1.25) to the integrated public safety communications fund.

(6) Five dollars ($5) to the commission fund.

(d) A replacement certificate of registration or decal issued under this section must be attached and displayed in the same manner as the original certificate of registration or decal.

Sec. 12. (a) A person that owns a watercraft that is registered under this chapter may apply to the bureau to change the ownership of the watercraft:

(1) by adding at least one (1) other person as a joint owner; or

(2) if the person is a joint owner of the watercraft, by transferring the person's ownership interest in the watercraft to at least one (1) remaining joint owner.

(b) The bureau shall issue an amended certificate of registration to a person that applies under subsection (a) after the person does the following:

(1) Complies with IC 9-17.

(2) Pays the fee of nine dollars and fifty cents ($9.50).

(c) A person may apply to the bureau to amend any obsolete or incorrect information contained in the certificate of registration issued with respect to the watercraft. The bureau shall issue an amended certificate of registration after the person pays a fee of nine dollars and fifty cents ($9.50).

(d) The bureau may not impose or collect a fee for a duplicate, amended, or replacement certificate of registration that is issued as a result of an error on the part of the bureau.

(e) A fee described in subsection (b)(2) or (c) shall be distributed as follows:

(1) Twenty-five cents ($0.25) to the state construction fund.

(2) Fifty cents ($0.50) to the state motor vehicle technology fund.

(3) One dollar ($1) to the crossroads 2000 fund.

(4) One dollar and fifty cents ($1.50) to the motor vehicle highway account.

(5) One dollar and twenty-five cents ($1.25) to the integrated public safety communications fund.

(6) Five dollars ($5) to the commission fund.

Sec. 13. (a) If an agency of the federal government has an overall system of identification numbering for watercraft within the United States, the registration and numbering system employed under this chapter by the bureau must conform with the system.

(b) In accordance with any request made by an authorized official or agency of the United States, the bureau shall transmit any information compiled or otherwise available to the bureau under:

(1) IC 14-15-4-1;

(2) IC 14-15-4-2; and

(3) IC 14-15-4-3;

to the official or agency of the United States.

Sec. 14. Every law enforcement officer of this state and its subdivisions, including an enforcement officer of the department of natural resources, may enforce this chapter and may stop and board a watercraft subject to this chapter.

SECTION 39. IC 9-20-13-2, AS AMENDED BY P.L.12-2013, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2021]: Sec. 2. (a) Notwithstanding IC 9-20-3 and IC 9-20-9, and except for length exclusive devices in accordance with 23 CFR 658.13, the following are the maximum limitations on length of a truck-tractor, semitrailer, truck-tractor-semitrailer combination, or truck-tractor-semitrailer-trailer combination:

(1) The maximum length of the semitrailer unit operating in a truck-tractor-semitrailer combination is fifty-three (53) feet, including the vehicle and the load.

(2) The maximum length of the semitrailer unit or trailer operating in a truck-tractor-semitrailer-trailer combination is twenty-eight (28) feet, six (6) inches.

(3) A maximum overall length limit is not imposed on a truck-tractor-semitrailer or truck-tractor-semitrailer-trailer combination.

(4) The maximum length of a maxi-cube vehicle combination is sixty-five (65) feet, and the maximum length of the separable cargo carrying unit is thirty-four (34) feet.

(5) If the combination is used exclusively or primarily in connection with motorsports:

(A) the maximum distance between the kingpin and the rearmost axle of the semitrailer operating in the combination is forty-six (46) feet; and

(B) the maximum length of the semitrailer is fifty-seven (57) feet.

(b) This section does not prohibit the transportation of a motor vehicle or ~~boat~~ **watercraft** on part of a truck-tractor.

SECTION 40. IC 9-22-6-0.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS

[EFFECTIVE JANUARY 1, 2021]: **Sec. 0.5. For purposes of this chapter, the term "vehicle" does not include a watercraft.**

SECTION 41. IC 9-31 IS REPEALED [EFFECTIVE JANUARY 1, 2021]. (WATERCRAFT TITLING AND REGISTRATION).

SECTION 42. IC 9-32-8-8, AS AMENDED BY HEA 1246-2020 SECTION 57, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2021]: Sec. 8. (a) A watercraft dealer licensed by the secretary under this article may, upon successful application to the secretary, obtain dealer license plates and registration cards for use in the testing or demonstrating of ~~motorboats.~~ **watercraft.**

(b) Two (2) dealer license plates must be displayed within a ~~motorboat~~ **watercraft** that is being tested or demonstrated while the ~~motorboat~~ **watercraft** is being tested or demonstrated.

(c) A transfer dealer or automobile auction company licensed by the secretary under this article may request dealer license plates under subsection (a).

(d) The fee to obtain a dealer license plate and registration card under subsection (a) is ten dollars ($10).

(e) The secretary shall retain the fee collected under this section.

SECTION 43. IC 14-8-2-5.7, AS AMENDED BY P.L.219-2014, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 5.7. "All-terrain vehicle", for purposes of IC 14-8-2-185, means a motorized, off-highway vehicle that:

(1) is ~~fifty (50)~~ **fifty-five (55)** inches or less in width **when measured from outside of tire rim to outside of tire rim;**

(2) has a dry weight of ~~twelve~~ **one thousand five** hundred ~~(1,200)~~ **(1,500)** pounds or less;

(3) is designed for travel on at least three (3) nonhighway or off-highway tires; and

(4) is designed for recreational use by one (1) or more individuals.

The term includes parts, equipment, or attachments sold with the vehicle.

SECTION 44. IC 14-8-2-233.5, AS AMENDED BY P.L.219-2014, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 233.5. "Recreational ~~off-road~~ **off-highway** vehicle", for purposes of IC 14-8-2-185, means a motorized, off-highway vehicle that:

(1) is ~~sixty-five (65)~~ **eighty (80)** inches or less in width **when measured from outside of tire rim to outside of tire rim;**

(2) has a dry weight of two thousand **five hundred** ~~(2,000)~~ **(2,500)** pounds or less;

(3) is designed for travel on at least four (4) nonhighway or off-highway tires; and

(4) is designed for recreational use by one (1) or more individuals.

SECTION 45. IC 14-9-8-21.5, AS AMENDED BY P.L.178-2019, SECTION 64, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2021]: Sec. 21.5. (a) As used in this section, "fund" refers to the conservation officers marine enforcement fund established by this section.

(b) The conservation officers marine enforcement fund is established. The department shall administer the fund. The department may expend the money in the fund exclusively for marine enforcement efforts associated with recreational boating on Indiana waters, including uses described in IC 14-9-9-5.

(c) The fund consists of ~~boat~~ **watercraft** registration fees paid by boat owners and deposited under ~~IC 9-31-3-9.~~ **IC 9-18.1-14.5-6.** Money deposited in the fund is annually appropriated and allotted to the department to carry out the purposes of this section. The expenses of administering the fund shall be paid from money in the fund.

(d) Money in the fund at the end of a state fiscal year does not revert to the state general fund. However, the department may transfer from the fund to the counties with special boat patrol needs fund (IC 14-9-9-5) an amount that does not exceed twenty percent (20%) of money deposited into the fund.

SECTION 46. IC 14-10-2-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 4. (a) The commission shall adopt rules under IC 4-22-2 to carry out the commission's duties under this title.

(b) The commission may adopt rules to exempt an activity from licensing under this title, except:

(1) IC 14-34;

(2) IC 14-36-1; and

(3) IC 14-38-2;

if the activity poses not more than a minimal potential for harm.

(c) Except as provided in subsection (d), whenever the department or the director has the authority to adopt rules under IC 4-22-2, the commission shall exclusively exercise the authority.

(d) Emergency rules adopted under section 5 of this chapter shall be adopted by the director.

(e) A person who violates a rule adopted by the commission commits a Class C infraction, unless otherwise specified under state law.

SECTION 47. IC 14-10-2-5, AS AMENDED BY P.L.154-2019, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 5. (a) The department may adopt emergency rules under IC 4-22-2-37.1 to carry out the duties of the department under the following:

(1) IC 14-9.
(2) This article.
(3) IC 14-11.
(4) IC 14-12-2.
(5) IC 14-14.
(6) IC 14-15.
(7) IC 14-17-3.
(8) IC 14-18, except IC 14-18-6 and IC 14-18-8.
(9) IC 14-19-1 and IC 14-19-8.
(10) IC 14-21.
(11) IC 14-22-3, IC 14-22-4, and IC 14-22-5.
(12) IC 14-23-1.
(13) IC 14-24.
(14) IC 14-25, except IC 14-25-8-3 and IC 14-25-13.
(15) IC 14-26.
(16) IC 14-27.
(17) IC 14-28.
(18) IC 14-29.
(19) IC 14-35-1, IC 14-35-2, and IC 14-35-3.
(20) IC 14-37.
(21) IC 14-38, except IC 14-38-3.

(b) A rule adopted under subsection (a) expires not later than one (1) year after the rule is accepted for filing by the publisher of the Indiana Register.

(c) A person who violates an emergency rule adopted by the department commits a Class C infraction, unless otherwise specified under state law.

SECTION 48. IC 14-15-6-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1. (a) A person may not operate a boat upon public water to carry passengers for hire unless the following conditions are met:

(1) The department **or an organization approved under section 2.5 of this chapter** has inspected and registered the boat.

(2) A certificate of inspection and registration issued by the department is affixed to the boat in a prominent place within the clear view of the passengers.

(b) A certificate of inspection and registration expires one (1) calendar year after the date on which the watercraft was inspected. However, the department may extend the expiration date for not more than thirty (30) days if conditions exist that would prevent the inspection of the watercraft before the first anniversary of the previous inspection.

SECTION 49. IC 14-15-6-2.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 2.5. (a) Each boat that carries passengers upon public water for hire must have:**

(1) a dry dock inspection; or

(2) an underwater survey;

of the exterior portion of the boat that is below the waterline at least one (1) time every sixty (60) months. However, an underwater survey may only be used to satisfy the requirements of this chapter one (1) time every one hundred twenty (120) months.

(b) If the owner of the boat elects to have an underwater survey, the owner must hire and pay for the underwater survey, which must be conducted by an inspector from a certified organization that is approved under subsection (c).

(c) The commission shall maintain a list of certified organizations that are approved to conduct underwater surveys under this chapter.

SECTION 50. IC 14-15-6-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 3. (a) The department

shall charge and collect a fee for the following:

(1) Each annual dockside inspection.

(2) Each dry dock inspection. ~~which shall be conducted at least one (1) time every sixty (60) months.~~

(b) The following fees shall be charged:

(1) All watercraft, except sailboats, carrying not more than six (6) passengers for hire on navigable water of Indiana:

(A) Dockside inspection..... $ 50

(B) Dry dock inspection..... $ 75

(2) All watercraft, except sailboats, carrying not more than six (6) passengers for hire on inland water of Indiana:

(A) Dockside inspection..... $ 30

(B) Dry dock inspection..... $ 30

(3) All watercraft, except sailboats, carrying more than six (6) passengers for hire on inland water of Indiana:

(A) Dockside inspection..... $ 75

(B) Dry dock inspection..... $100

(4) All watercraft propelled primarily by sail that carry passengers for hire on navigable or inland water of Indiana:

(A) Dockside inspection..... $ 50

(B) Dry dock inspection..... $ 75

SECTION 51. IC 14-15-6-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 6. Each certificate of inspection and registration must certify that the inspection has been made and must set forth, among other things, the following:

(1) The date of inspection.

(2) A description of the boat, including motors, machinery and equipment.

(3) The age of the boat.

(4) The maximum weight, including both passengers and property, that may safely be carried on the boat.

(5) The method of the boat's inspection and the name of the person and organization that performed the inspection.

SECTION 52. IC 14-15-13-3, AS ADDED BY P.L.165-2011, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 3. An individual may not do the following:

(1) Operate a motorboat inboard or have the inboard engine of a

motorboat run idle while an individual is holding onto the swim platform, swim deck, swim step, swim ladder or any part of the exterior of the transom of a motorboat while the motorboat is underway at any speed.

(2) Operate a motorboat powered by an outboard motor or equipped with an outdrive unit while an individual is:

(A) holding onto the swim platform, swim deck, swim step, swim ladder or any portion of the exterior of the transom of a motorboat while the motorboat is underway at any speed; **or**

(B) swimming, or floating on or in the wake directly behind a motorboat that is underway. ~~or~~

~~(C) floating on a board on or in the wake directly behind a motorboat that is underway using the wake itself as the means of propulsion.~~

(3) Operate a motorboat with the number of individual riders on a towed device that exceeds the listed capacity on the towed device or the owner's manual.

SECTION 53. IC 14-22-2-8, AS AMENDED BY P.L.39-2018, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE DECEMBER 31, 2019 (RETROACTIVE)]: Sec. 8. (a) This section applies to a hunting season beginning after June 30, 2016. ~~and ending before January 1, 2020.~~

(b) A hunter may use a rifle to hunt deer on privately owned land subject to the following:

(1) The use of a rifle is permitted during hunting seasons established by the department.

(2) The rifle must be chambered for a cartridge that fires a bullet that is two hundred forty-three thousandths (.243) of an inch in diameter or larger.

(3) The rifle must fire a cartridge that has a minimum case length of one and sixteen-hundredths (1.16) inches, but is no longer than three (3) inches.

(4) A hunter may not possess more than ten (10) cartridges for the rifle while hunting deer under this section.

(5) The rifle must meet any other requirements established by the department.

(c) The use of a full metal jacketed bullet to hunt deer is unlawful.

(d) The department shall report on the impact of the use of rifles to hunt deer under this section to the governor and, in an electronic format under IC 5-14-6, the general assembly before February 15, 2020.

(e) The department may adopt rules under IC 4-22-2 to authorize the use of rifles on public property.

~~(f) This section expires June 30, 2020.~~

SECTION 54. IC 14-22-3.5-4, AS ADDED BY P.L.178-2019, SECTION 65, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2021]: Sec. 4. The fund consists of the revenue from ~~boat~~ **watercraft** registration fees paid by boat owners and deposited under ~~IC 9-31-3-9.~~ **IC 9-18.1-14.5-6.**

SECTION 55. IC 14-22-9-3, AS AMENDED BY P.L.39-2018, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 3. A person may not use, set, cause to be used or set, take, or attempt to take fish by means of:

(1) a trotline;
(2) a set line;
(3) a throw line;
(4) a net;
(5) a trap; or
(6) a seine;

~~except legal minnow seines or dip nets,~~ within two hundred (200) yards of a dam that wholly or partly crosses a river, stream, or waterway in Indiana or the boundary water of the state, **except as authorized by rules adopted by the commission under IC 4-22-2.**

SECTION 56. IC 14-22-11-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 15. (a) Each license and permit issued under this article is issued upon the express condition, to which the licensee or permittee by acceptance of the license or permit is considered to agree and consent, that the licensee or permittee will obey and comply with the following:

(1) All the terms, conditions, and rules:
  (A) made by the director under this article; and
  (B) incorporated in or attached to the license or permit when issued.
(2) This article.
(3) A wildlife law (as defined by IC 14-22-41-4(p)) while the

licensee is in another jurisdiction that has adopted the wildlife violator compact (IC 14-22-41).

(b) A license or permit may be revoked **or denied** by the director at any time without refund for any of the following:

(1) Failure to comply with or violation of the terms, conditions, rules, or restrictions incorporated in or attached to the license or permit when issued.

(2) Violation of this article.

(3) Violation of a wildlife law (as defined by IC 14-22-41-4(p)) ~~while~~ **occurring after October 31, 2000, by** the licensee ~~is~~ **or permittee** in another jurisdiction that has adopted the wildlife violator compact (IC 14-22-41).

(c) If a person's license or permit is revoked or denied because of a violation described in subsection (b)(3), the person is entitled to a review of the revocation or denial by the commission. However, the commission may not review the merits of the underlying violation committed in another jurisdiction that prompted the revocation or denial under the wildlife violator compact (IC 14-22-41).

~~(c)~~ **(d)** A person whose license or permit has been revoked **or denied** by the director under this article may, by written request to the ~~director,~~ **commission,** have a hearing on the revocation **or denial of issuance.** Upon receipt of written request for a hearing on the revocation, the ~~director~~ **commission** shall do the following:

(1) Set a date for the hearing, which may not be more than fifteen (15) days from the date of receipt of the request.

(2) Give the person requesting the hearing at least five (5) days notice of the date of the hearing, which shall be held in the office of the director.

(3) Receive and keep a record of all evidence presented by the person.

(4) After considering the evidence presented at the hearing, rescind or affirm the order revoking **or denying** the license or permit.

~~(d)~~ **(e)** Every court having jurisdiction of an offense committed in violation of an Indiana law for the protection of wildlife may, at the court's discretion, revoke the license of the offender for ~~any of the following periods:~~

~~(1) Thirty (30) days.~~

~~(2) Sixty (60) days.~~

~~(3) Ninety (90) days.~~

~~(4)~~ **a minimum of** one (1) year.

~~(e)~~ **(f)** After a revocation, the court shall forward to the division a record of the conviction of the person in the court for a violation of the law. At the time of the conviction, the court shall do the following:

(1) Obtain the license certificate of the defendant.

(2) Return the license certificate to the division.

(g) Any denial or revocation of a permit or license under this section is subject to the terms of the wildlife violator compact (IC 14-22-41).

SECTION 57. IC 14-26-2.1 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]:

Chapter 2.1. Ownership of Lake Michigan in Public Trust

Sec. 0.5. This chapter applies only to the recreational use of Lake Michigan.

Sec. 1. As used in this chapter, "Lake Michigan" means:

(1) the waters of Lake Michigan;

(2) the land under the waters of Lake Michigan; and

(3) the land adjoining the waters of Lake Michigan up to the ordinary high water mark;

within the boundaries of Indiana.

Sec. 2. As used in this chapter, "ordinary high water mark" means the line on the bank or shore of Lake Michigan that is:

(1) established by the fluctuations of water; and

(2) indicated by physical characteristics, including:

(A) a clear and natural line impressed on the shore;

(B) shelving;

(C) changes in character of soils;

(D) the destruction of terrestrial vegetation; and

(E) the presence of litter or debris.

Sec. 3. (a) Absent any authorized legislative conveyance before February 14, 2018, the state of Indiana owns all of Lake Michigan within the boundaries of Indiana in trust for the use and enjoyment of all citizens of Indiana.

(b) An owner of land that borders Lake Michigan does not have the exclusive right to use the water or land below the ordinary high water mark of Lake Michigan.

Sec. 4. (a) As used in this section, "natural scenic beauty" refers to conditions produced by nature without manmade additions or alterations.

(b) As used in this section, "recreational purpose" means any of the following:

(1) Walking.

(2) Fishing.

(3) Boating.

(4) Swimming.

(5) Any other recreational purpose for which Lake Michigan is ordinarily used, as recognized by the commission for the purposes of this section.

(c) The citizens of Indiana have a vested right to:

(1) enjoy the natural scenic beauty of Lake Michigan;

(2) enjoy and use the natural resources of Lake Michigan; and

(3) use Lake Michigan for recreational purposes.

(d) The citizens of Indiana have a vested right in the preservation and protection of Lake Michigan.

Sec. 5. (a) The commission may adopt rules under IC 4-22-2 to administer this chapter.

(b) In the adoption of a rule under subsection (a):

(1) the public hearing held under IC 4-22-2-26 concerning the proposed rule; and

(2) any additional public meeting concerning the proposed rule that is held by:

(A) the commission; or

(B) officers or employees of the department or any other individuals authorized under IC 4-22-2-15 to perform rulemaking actions other than the final adoption of the rule;

may be held only in a county that borders Lake Michigan.

SECTION 58. IC 14-28-1-19.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 19.5. For purposes of this chapter, property owners may jointly apply for a permit.**

SECTION 59. IC 14-29-1-9 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 9. The department may adopt rules under IC 4-22-2 to identify the location of the ordinary high water mark on the land adjoining the waters of Lake Michigan for purposes of administering this chapter.**

SECTION 60. IC 34-28-6-1, AS AMENDED BY P.L.1-2010, SECTION 137, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2021]: Sec. 1. Whenever a person who is not a resident of Indiana:

(1) is arrested or stopped for a misdemeanor violation or infraction under:

(A) ~~IC 9-31-3;~~ **IC 9-18.1-14.5;**

(B) IC 14-15-2 through IC 14-15-7;

(C) IC 14-16-1; or

(D) IC 14-22; and

(2) is not immediately taken to court;

the person may, at the discretion of the officer, be released upon the deposit of a security. The security shall be the amount of the fine or judgment and costs for the violation in the form of cash, money order, or a traveler's check made payable to the clerk of the court in which the person will appear.

SECTION 61. IC 34-30-19.5 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]:

Chapter 19.5. Immunity of Owner of Property Adjacent to Lake Michigan

Sec. 1. As used in this chapter, "owner" means a person that:

(1) has a fee interest in;

(2) is a tenant, lessee, or occupant of; or

(3) is otherwise legally in control of;

a private property that is adjacent to Lake Michigan.

Sec. 2. As used in this chapter, "private property" means a property whose owner is a person other than the state of Indiana.

Sec. 3. (a) The owner of a private property that is adjacent to Lake Michigan does not assume responsibility or incur liability for an injury to an individual or damage to property that:

(1) occurs after June 30, 2020, when an individual is crossing the private property:

(A) to enter; or

(B) upon leaving;

the area of the beach of Lake Michigan that the public has a vested right to use for recreational purposes; and

(2) is caused by:

(A) an act or omission of a person other than the owner;

(B) an act or omission of the owner, except for an act of the owner constituting intentional misconduct; or

(C) the condition of the property.

(b) This section does not affect the following:

(1) Existing Indiana case law on the liability of property owners with respect to:

(A) business invitees in commercial establishments; or

(B) invited guests.

(2) The attractive nuisance doctrine.

SECTION 62. IC 35-52-6-45 IS REPEALED [EFFECTIVE JANUARY 1, 2021]. ~~Sec. 45. IC 6-6-11-27 defines a crime concerning taxes.~~

SECTION 63. IC 35-52-9-7.6 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2021]: **Sec. 7.6. IC 9-18.1-14.5-5 defines a crime concerning proof of registration of a watercraft.**

SECTION 64. IC 36-1-29 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]:

Chapter 29. Seawall and Revetment Permits

Sec. 1. This chapter applies only in a county that is located along the shore of Lake Michigan.

Sec. 2. This chapter does not:

(1) affect the determination of the location of the ordinary high water mark; or

(2) interfere with or supersede state law, state administrative rules, or local ordinances concerning the issuance of permits for seawalls or revetments.

Sec. 3. As used in this chapter, "emergency" means a situation

that:

(1) requires immediate action;

(2) is induced by weather or high lake levels; and

(3) either:

(A) creates the potential for imminent structural damage to private property in an area adjacent to Lake Michigan; or

(B) threatens or creates an imminent risk to the public health, welfare, or safety in areas adjacent to Lake Michigan.

Sec. 4. As used in this chapter, "local governmental agency" has the meaning set forth in IC 36-7-4-1109(a).

Sec. 5. As used in this chapter, "ordinary high water mark" has the meaning set forth in IC 14-26-2.1-2.

Sec. 6. As used in this chapter, "owner" means a person that has a fee interest in a private property adjacent to and landward of Lake Michigan.

Sec. 7. As used in this chapter, "permit" has the meaning set forth in IC 36-7-4-1109(b).

Sec. 8. As used in this chapter, "private property" means real property that is not owned or leased by the state or a political subdivision.

Sec. 9. As used in this chapter, "real property" includes any improvements to real property.

Sec. 10. (a) An owner of private property who is subject to the jurisdiction of a local governmental agency in a county subject to this chapter may:

(1) subject to applicable state laws and administrative rules, local ordinances, and section 11 of this chapter, in the case of an emergency, repair an existing seawall or revetment on the owner's private property; or

(2) subject to applicable state laws and administrative rules, local ordinances, and section 12 of this chapter, in the case of an emergency, construct a new seawall or revetment on the owner's private property;

whichever applies.

(b) For the purposes of this chapter, side seawalls on Lake Michigan are temporary structures and must be at least eighteen

(18) inches from the private property line.

Sec. 11. In accordance with applicable state laws, state administrative rules, and local ordinances, the repair of an existing seawall or revetment may include placing seawalls or revetments into the waters of Lake Michigan where the water is already coming into contact with those seawalls or revetments as long as the seawall or revetment repair is as close to the existing seawall or revetment as reasonably possible.

Sec. 12. In accordance with applicable state laws, state administrative rules, and local ordinances, the owner of private property may construct a new seawall or revetment on the private property in a location in which the new seawall or revetment can reasonably be expected to provide protection to the property.

Sec. 13. A seawall may be contiguous to another seawall if making one (1) or more seawalls contiguous does not interfere, obstruct, or otherwise inhibit the public's ability to use a public access point or easement that provides access to the shore of Lake Michigan and all parts of the seawall are on private property.

Sec. 14. Not later than ten (10) business days after a person submits a completed application for an emergency seawall or revetment permit and meets all required conditions, a local governmental agency shall:

(1) approve; or

(2) deny;

the person's application for the emergency permit. If a local governmental agency does not approve or deny the emergency seawall or revetment permit within ten (10) business days, the emergency permit is automatically approved and considered issued to the person.

Sec. 15. If a local governmental agency denies the emergency seawall or revetment permit, the local governmental agency shall provide the reasons for the denial in a single response to the person. A person may submit not more than one (1) completed reapplication for an emergency seawall or revetment permit that lists reasons why the local governmental agency should approve the person's emergency permit. Not later than ten (10) business days after the person submits the completed reapplication, a local

governmental agency shall:

(1) approve; or

(2) deny;

the person's reapplication for the emergency permit. If a local governmental agency does not approve or deny the person's reapplication for the emergency seawall or revetment permit within ten (10) business days, the emergency permit is automatically approved and considered issued to the person.

Sec. 16. This section applies to an application for a seawall or revetment permit that is not an emergency permit. Not later than thirty (30) business days after a person submits a completed application and meets all required conditions for a seawall or revetment permit, a local governmental agency shall:

(1) approve; or

(2) deny;

the person's application for the permit.

SECTION 65. IC 36-7-4-1103, AS AMENDED BY P.L.119-2012, SECTION 195, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1103. ~~(a) This section does not apply to a plan commission exercising jurisdiction in a county having a population of more than twenty thousand nine hundred (20,900) but less than twenty-one thousand (21,000).~~

~~(b)~~ **(a)** ADVISORY—AREA. For purposes of this section, urban areas include all lands and lots within the corporate boundaries of a municipality, any other lands or lots used for residential purposes where there are at least eight (8) residences within any quarter mile square area, and other lands or lots that have been or are planned for residential areas contiguous to the municipality.

~~(c)~~ **(b)** ADVISORY—AREA. This chapter does not authorize an ordinance or action of a plan commission that would prevent, outside of urban areas, the complete use and alienation of any mineral resources or forests by the owner or alienee of them.

SECTION 66. **An emergency is declared for this act.**

P.L.165-2020
[H.1414. Approved March 21, 2020.]

AN ACT to amend the Indiana Code concerning utilities.

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

SECTION 1. IC 8-1-8.5-11 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 11. (a) As used in this section, "legacy generation resource" means an electric generating facility owned directly or indirectly by a corporation that was formed for the original purpose of providing power to the federal government for use in the nation's defense or in furtherance of national interests, including the Ohio Valley Electric Corporation.**

(b) As used in this section, "reliable capacity resource" means an electric generating unit:

(1) that is located in Indiana;

(2) the capacity of which is valued by a regional transmission organization at a minimum of eighty percent (80%) of the unit's nameplate capacity; and

(3) that maintains an annual average onsite fuel inventory of at least thirty (30) days of average fuel consumption.

(c) The general assembly finds that it is in the public interest to support the reliability, availability, fuel security, and diversity of electric generating capacity in Indiana for the purpose of providing reliable and stable electric service to customers of public utilities.

(d) A public utility that owns and operates a reliable capacity resource shall operate and maintain the unit using good utility practices and in a manner reasonably intended to support the availability of the unit for dispatch and for providing reliable service to customers of the public utility.

(e) A public utility may not terminate a power agreement with

a legacy generation resource in which the public utility has an ownership interest unless the public utility provides the commission with at least three (3) years advance notice of the termination. The commission shall determine the reasonable costs incurred by the public utility under the power agreement and allow the public utility to recover those costs in a fuel adjustment charge proceeding under IC 8-1-2-42. For purposes of this subsection, a public utility's reasonable costs related to a legacy generation resource means those costs, including deferred costs, allocated under a power agreement approved by the Federal Energy Regulatory Commission and relating to a legacy generation resource.

(f) A public utility may not retire, sell, or transfer a reliable capacity resource with a capacity exceeding eighty (80) megawatts before May 1, 2021, unless:

(1) the public utility first provides written notice to the commission of the public utility's intent to do so; and

(2) the commission conducts a public hearing, noticed in accordance with IC 5-14-1.5, to receive information concerning the reasonableness of the planned retirement, sale, or transfer.

A public utility may provide the written notice required under subdivision (1) at any time. Not later than one hundred twenty (120) days after the date of the commission's receipt of the public utility's written notice to the commission under this subsection, the commission shall conduct the hearing described in subdivision (2) and issue the commission's analysis and conclusions concerning the reasonableness of the planned retirement, sale, or transfer based on the information received. If the planned retirement, sale, or transfer was included in the public utility's preferred portfolio in the public utility's most recent integrated resource plan, the public utility may proceed with the planned retirement, sale, or transfer after the commission issues the commission's analysis and conclusions under this subsection. If the planned retirement, sale, or transfer was not included in the public utility's preferred portfolio in the public utility's most recent integrated resource plan, the public utility may not proceed with the planned

retirement, sale, or transfer until at least six (6) months have elapsed from the date of the commission's receipt of the public utility's written notice under this subsection.

(g) If a public utility that seeks to retire, sell, or transfer a reliable capacity resource under subsection (f) cites a federal mandate as the basis, in whole or in part, for the planned retirement, sale, or transfer of the unit, the commission may consider as part of the commission's analysis and conclusions under subsection (f) whether the cited federal mandate:

(1) is in force;

(2) has not expired or been revoked; and

(3) is not merely anticipated to be enacted;

at the time of the public utility's notice under subsection (f).

(h) This section expires May 1, 2021.

SECTION 2. IC 8-1-8.5-12 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 12. (a) As used in this section, "coal industry employment" means employment:**

(1) at a commercial coal mine in Indiana;

(2) at a coal fired electric generating unit in Indiana; or

(3) in an Indiana based manufacturing or transportation supply chain serving:

(A) a commercial coal mine in Indiana; or

(B) a coal fired electric generating unit in Indiana.

(b) As used in this section, "coal transition worker" means:

(1) an individual who:

(A) has been laid off or terminated from the individual's coal industry employment; or

(B) has received a notice of termination or layoff from the individual's coal industry employment;

as a result of the permanent closure of, or a substantial layoff at, a commercial coal mine in Indiana or a coal fired electric generating unit in Indiana; or

(2) an individual who:

(A) has:

(i) been laid off or terminated, for a reason other than cause; or

(ii) received a notice of termination or layoff, for a reason other than cause;

from the individual's coal industry employment; and

(B) is unlikely to obtain employment in an industry described in subsection (a)(1) through (a)(3) because of market forces or other factors affecting the industry.

(c) In awarding high value workforce ready credit-bearing grants under IC 21-12-8, the commission for higher education, in conjunction with the department of workforce development, shall give priority to an applicant who is a coal transition worker if the applicant is otherwise eligible for a grant under IC 21-12-8-9.

SECTION 3. **An emergency is declared for this act.**

P.L.166-2020
[S.229. Approved March 25, 2020.]

AN ACT to amend the Indiana Code concerning environmental law.

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

SECTION 1. IC 13-18-22-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1. (a) Except as provided in subsection (b), a person proposing a wetland activity in a state regulated wetland must obtain a permit under this chapter to authorize the wetland activity.

(b) A permit is not required for the following wetland activities:

(1) The discharge of dirt, sand, rock, stone, concrete, or other inert fill materials in a de minimis amount.

(2) A wetland activity at a surface coal mine for which the department of natural resources has approved a plan to:

(A) minimize, to the extent practical using best technology

currently available, disturbances and adverse effects on fish and wildlife;

(B) otherwise effectuate environmental values; and

(C) enhance those values where practicable.

(3) Any activity listed under Section 404(f) of the Clean Water Act, including:

(A) normal farming, silviculture, and ranching activities, such as plowing, seeding, cultivating, minor drainage, harvesting for the production of food, fiber, and forest products, or upland soil and water conservation practices;

(B) maintenance, including emergency reconstruction of recently damaged parts, of currently serviceable structures such as dikes, dams, levees, groins, riprap, breakwaters, causeways, and bridge abutments or approaches, and transportation structures;

(C) construction or maintenance of farm or stock ponds or irrigation ditches, or the maintenance of drainage ditches;

(D) construction of temporary sedimentation basins on a construction site that does not include placement of fill material into the navigable waters; and

(E) construction or maintenance of farm roads or forest roads, or temporary roads for moving mining equipment, where the roads are constructed and maintained, in accordance with best management practices, to assure that:

(i) flow and circulation patterns and chemical and biological characteristics of the navigable waters are not impaired;

(ii) the reach of the navigable waters is not reduced; and

(iii) any adverse effect on the aquatic environment will be otherwise minimized.

(4) The maintenance or reconstruction (as defined in IC 36-9-27-2) of a regulated drain in accordance with IC 36-9-27-29(2) as long as the work takes place within the current easement, and the reconstruction does not substantially change the characteristics of the drain to perform the function for which it was designed and constructed.

(c) The goal of the permitting program for wetland activities in state

regulated wetlands is to:

(1) promote a net gain in high quality isolated wetlands; and

(2) assure that compensatory mitigation will offset the loss of isolated wetlands allowed by the permitting program.

P.L.167-2020

[H.1014. Approved March 25, 2020.]

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

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

SECTION 1. IC 4-37-7-8, AS ADDED BY P.L.167-2011, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. **(a)** 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.

(b) A memorandum of understanding entered into under this section may not do any of the following to restrict the fundraising activities of an organization described in subsection (a):

(1) Require the organization to deposit into the fund the proceeds of a fundraising activity approved by the chief executive officer.

(2) Require the organization to send money donated to the organization to the corporation.

(3) Require the approval of the chief executive officer, or the chief executive officer's designee, before the organization pursues general donations from individuals and other entities.

(4) Restrict, regulate, or limit the ability of the organization to hold offsite fundraising programs or activities.

(5) Restrict, regulate, or limit the ability of the organization to promote or advertise any onsite or offsite fundraising programs or activities on social media, via electronic mail, on an Internet web site, or by any other means.

(c) A memorandum of understanding entered into under this section may not do any of the following:

(1) Require the organization to be any type of supporting organization (as the term is used in the Internal Revenue Code).

(2) Require a representative of the corporation to be a voting or nonvoting member of the organization's board of directors.

(3) Require the organization to submit to the corporation any organization documents, correspondence, electronic mail, or other data that are not required to be submitted by the Internal Revenue Service.

(4) Require the organization to submit an audit of the organization's funds.

(5) Restrict, regulate, or otherwise limit the ability of the organization to promote any onsite or offsite activities.

(6) Allow the corporation to take a nonprofit organization's real or financial assets.

(7) Require the organization to pay any rental or other fee to support an event at a state historic site that is sponsored by the organization or the corporation.

(d) The corporation shall return to the organization any funds raised by the organization and donated to the corporation that:

(1) are designated as donor restricted funds for a specific use in a historic site project; and

(2) are not used for the donor's specified use in the historic site project;

upon the completion of the historic site project.

SECTION 2. **An emergency is declared for this act.**

CERTIFICATE

INDIANA GENERAL ASSEMBLY

SS:

STATE OF INDIANA

We, the undersigned, do hereby certify that P.L.1-2020 through P.L.167-2020 of the Second Regular Session of the 121st General Assembly of the State of Indiana have been compared with the enrolled acts from which they were taken and have been found correctly printed.

Signed in the State of Indiana, this 24 day of April, 2020.

Rodric D. Bray
President Pro Tempore, Senate

Todd Huston
Speaker, House of Representatives

Seal

AUDITOR OF STATE
STATEMENT OF FUND NET POSITION
For the Fiscal Year Ended June 30, 2019
(amounts expressed in thousands)

	Beginning Balance 07/01/18	Revenues	Expenditures	Ending Balance 06/30/19
Governmental Funds				
General Fund	$ 3,942,901	$ 16,299,667	$ 14,267,737	$ 4,311,677
Other Financing Sources (Uses), Net		(1,663,154)		
Public Welfare-Medicaid Assistance Fund	602,852	10,184,117	12,600,701	550,460
Other Financing Sources (Uses), Net		2,364,192		
US Department of Health and Human Services Fund	(471,808)	1,524,281	1,801,337	(416,832)
Other Financing Sources (Uses), Net		332,032		
Non-Major Special Revenue Funds	3,572,051	8,399,236	6,797,549	4,145,392
Other Financing Sources (Uses), Net		(1,028,346)		
Capital Projects Funds	67,122	26,388	20,842	74,880
Other Financing Sources (Uses), Net		2,212		
Permanent Funds	544,919	36,236	1,988	579,167
Proprietary Funds				
Unemployment Compensation Fund	732,369	457,703	243,486	962,476
Nonoperating Revenues (Expenses), Net		15,890		
Non-Major Enterprise Funds	47,812	21,526	18,826	53,232
Nonoperating Revenues (Expenses), Net		4,706		
Contributions and Transfers In (Out), Net		(1,986)		
Internal Service Funds	191,121	590,809	573,891	213,245
Nonoperating Revenues (Expenses), Net		(13,385)		
Contributions and Transfers In (Out), Net		18,591		
Fiduciary Funds				
Indiana Public Retirement System	34,182,563	4,997,645	3,111,855	36,068,353
State Police Pension Fund	476,089	53,984	38,780	491,293
State Police Supplemental Trust	-	3,983	3,983	-
State Employee Retiree Health Benefit Trust Fund - Defined Benefit	183,088	35,760	10,953	207,895
State Employee Retiree Health Benefit Trust Fund - Defined Contribution	340,439	40,814	21,206	360,047
Private-Purpose Trust Funds	71,036	122,335	107,569	85,802
Investment Trust Fund	1,063,874	2,007,366	1,900,177	1,171,063
Agency Funds	874,262			874,262

AUDITOR OF STATE
STATEMENT OF FUND NET POSITION
For the Fiscal Year Ended June 30, 2019
(amounts expressed in thousands)

	Beginning Balance 07/01/18	Revenues	Expenditures	Ending Balance 06/30/19
Discretely Presented Component Unit - Governmental Funds				
Indiana Economic Development Corporation	192,029	80,058	83,783	188,304
Discretely Presented Component Units - Proprietary Funds				
Indiana Finance Authority (IFA)	(562,136)	445,571	767,589	(884,154)
State Lottery Commission	9,782	1,354,956	1,350,453	14,285
Non-Major	1,240,676	629,918	596,916	1,273,678
IFA & ISCBA/IMC Interfund Eliminations	-	(55,251)	(55,251)	-
Discretely Presented Component Units - Colleges and Universities				
Indiana University	6,363,039	3,663,985	3,425,606	6,601,418
Purdue University	5,748,028	2,992,358	2,751,656	5,988,730
Non-Major	2,990,377	1,914,876	1,696,651	3,208,602
Total	$ 62,402,485	$ 55,859,073	$ 52,138,283	$ 66,123,275

Source: Comprehensive Annual Financial Report for the fiscal year ended June 30, 2019 (http://www.in.gov/auditor/1941.htm).

TABLES

AND

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Table of Citations Affected

Affected Provisions	Type	SEC.	Effective	P.L.
Noncode				
None				
Title 1				
1-1-2-2.5	Added	1	07/01/20	142-2020
1-1-2-4	Added	2	07/01/20	142-2020
1-1-7.7	Added	1	07/01/20	39-2020
1-1-14.5	Added	1	03/18/20	97-2020
1-1-15	Added	1	03/11/20	8-2020
Title 2				
2-3.5-5-6	Amended	1	01/01/21	51-2020
2-5-1.1-6.3	Amended	1	07/01/20	157-2020
2-5-1.3-13	Amended	1	07/01/20	138-2020
Title 3				
3-5-2-26.3	Added	1	03/21/20	141-2020
3-5-4-12	Added	1	03/21/20	135-2020
3-6-3.7-6	Amended	2	03/21/20	141-2020
3-6-4.2-14	Amended	3	03/21/20	141-2020
3-6-5.6-4	Amended	1	07/01/20	156-2020
3-6-6-39	Amended	1	04/01/20	147-2020
3-7-26.3-35	Amended	2	03/21/20	135-2020
3-7-26.4-4	Amended	4	03/21/20	141-2020
3-7-38.2-2	Amended	5	07/01/20	141-2020
3-7-38.2-5	Amended	6	03/21/20	141-2020
3-7-38.2-5.1	Added	7	03/21/20	141-2020
3-7-38.2-5.5	Added	8	03/21/20	141-2020
3-7-38.2-7.5	Amended	9	03/21/20	141-2020
3-7-46-6	Amended	10	03/21/20	141-2020
3-8-1-5	Amended	3	07/01/20	142-2020
3-8-2-20	Amended	1	07/01/20	123-2020
3-9-4-4.5	Added	1	01/01/21	24-2020
3-10-6.5	Added	1	07/01/20	107-2020
3-10-9-1	Amended	2	07/01/20	156-2020
3-11-2-10	Amended	11	07/01/20	141-2020
3-11-8-10.3	Amended	3	07/01/20	135-2020

Affected Provisions	Type	SEC.	Effective	P.L.
3-11-13-11	Amended	12	03/21/20	141-2020
3-11-13-22	Amended	4	03/21/20	135-2020
3-11-13-33	Amended	3	07/01/20	156-2020
3-11-14-3.5	Amended	13	07/01/20	141-2020
3-11-14.5-1	Amended	5	03/21/20	135-2020
3-11-15-7	Amended	6	07/01/20	135-2020
3-11-18.1-12	Amended	7	03/21/20	135-2020
3-11.5-4-23	Amended	2	04/01/20	147-2020
3-11.5-8-3	Amended	4	07/01/20	156-2020
3-11.7-5-1.7	Amended	14	03/21/20	141-2020
3-11.7-7-3	Amended	15	03/21/20	141-2020
3-12-3-12.7	Added	8	03/21/20	135-2020
3-12-3.5-3	Amended	9	03/21/20	135-2020
3-12-4-6.5	Added	10	03/21/20	135-2020
3-12-13-1	Amended	5	07/01/20	156-2020
3-12-13-5	Amended	11	03/21/20	135-2020
3-12-13-7	Amended	12	03/21/20	135-2020
3-12-14-1	Amended	6	07/01/20	156-2020
3-12-14-4	Amended	13	03/21/20	135-2020

Title 4

4-3-21.5-4	Amended	1	07/01/20	74-2020
4-3-25-15	Amended	1	07/01/20	40-2020
4-3-27-3	Amended	21	07/01/20	133-2020
4-3-27-3	Amended	7	07/01/20	156-2020
4-3-27-3	Amended	1	03/18/20	109-2020
4-3-27-3	Amended	1	07/01/20	132-2020
4-3-27-5	Amended	2	07/01/20	74-2020
4-3-27-5	Amended	2	07/01/20	132-2020
4-3-27-6	Amended	3	07/01/20	132-2020
4-3-27-11	Amended	1	03/18/20	92-2020
4-4-34	Repealed	3	07/01/20	74-2020
4-6-2-1.5	Amended	1	02/17/20	163-2020
4-13-16.5-1	Amended	1	07/01/20	15-2020
4-13-16.5-1.3	Repealed	2	07/01/20	15-2020
4-13-16.5-1.5	Added	3	07/01/20	15-2020
4-13-16.5-2	Amended	4	07/01/20	15-2020
4-13-16.5-3	Amended	5	07/01/20	15-2020
4-13-16.5-3.5	Added	6	07/01/20	15-2020
4-13-16.5-4.5	Added	1	07/01/20	84-2020
4-13-16.5-8	Amended	7	07/01/20	15-2020
4-13.6-2-12	Amended	8	07/01/20	15-2020

Affected Provisions	Type	SEC.	Effective	P.L.
4-17	Repealed	8	07/01/20	156-2020
4-22-7-4	Amended	9	07/01/20	156-2020
4-23-28-8	Amended	1	07/01/20	21-2020
4-30-1-2	Amended	9	07/01/20	15-2020
4-33-8-11	Amended	4	07/01/20	142-2020
4-33-14-4	Amended	10	07/01/20	15-2020
4-35-6.5-11	Amended	5	07/01/20	142-2020
4-35-7-12.5	Amended	10	07/01/20	156-2020
4-35-11-5	Amended	11	07/01/20	15-2020
4-37-7-8	Amended	1	03/25/20	167-2020
4-38-2-2	Amended	1	07/01/20	146-2020
4-38-8-2	Amended	1	01/29/20	1-2020

Title 5

5-1-18-6	Amended	1	07/01/20	159-2020
5-1.2-4.5-2	Amended	2	05/01/20	159-2020
5-1.2-4.5-3	Repealed	2	07/01/20	1-2020
5-1.2-5-8	Amended	12	07/01/20	15-2020
5-1.5-1-8	Amended	1	07/01/20	81-2020
5-1.5-8-5.1	Amended	11	07/01/20	156-2020
5-2-6-3	Amended	1	03/14/20	48-2020
5-2-6.1-16	Amended	1	07/01/20	31-2020
5-2-10.1-13	Amended	2	03/18/20	92-2020
5-2-11-0.3	Added	2	07/01/20	40-2020
5-2-11-0.5	Amended	3	07/01/20	40-2020
5-2-11-1.3	Amended	4	07/01/20	40-2020
5-2-11-1.6	Amended	5	07/01/20	40-2020
5-2-11-1.8	Amended	6	07/01/20	40-2020
5-2-11-1.9	Amended	7	07/01/20	40-2020
5-2-11-2	Amended	8	07/01/20	40-2020
5-2-11-2.2	Added	9	07/01/20	40-2020
5-2-11-2.4	Added	10	07/01/20	40-2020
5-2-11-5	Amended	11	07/01/20	40-2020
5-2-11-6	Amended	12	07/01/20	40-2020
5-3-1-3	Amended	3	07/01/20	92-2020
5-10-1.1-3.5	Amended	1	07/01/20	5-2020
5-10-5.5-0.1	Amended	12	07/01/20	133-2020
5-10-5.5-0.1	Amended	1	02/01/18	6-2020
5-10-5.5-0.1	Amended	1	07/01/20	145-2020
5-10-5.5-1	Amended	2	02/01/18	6-2020
5-10-5.5-15	Amended	3	07/01/18	6-2020
5-10-5.5-16	Amended	4	02/01/18	6-2020

Affected Provisions	Type	SEC.	Effective	P.L.
5-10-5.5-16.3	Added	5	02/01/18	6-2020
5-10-5.5-16.6	Added	6	02/01/18	6-2020
5-10-5.5-17	Amended	7	02/01/18	6-2020
5-10-5.5-22	Amended	2	07/01/20	145-2020
5-10-8-7.3	Amended	17	01/01/21	133-2020
5-10-8-7.3	Amended	1	01/01/21	111-2020
5-10-8-7.8	Amended	1	07/01/20	36-2020
5-10-8-16.5	Added	1	07/01/20	67-2020
5-10-8-20	Amended	1	07/01/20	114-2020
5-10-8-22.5	Added	2	01/01/21	114-2020
5-10-8-23	Added	1	07/01/20	115-2020
5-10-8-24	Added	1	07/01/20	130-2020
5-10-9.8-1	Amended	1	07/01/20	99-2020
5-10-9.8-2	Amended	2	07/01/20	99-2020
5-10-9.8-2.5	Added	3	07/01/20	99-2020
5-10-10-4	Amended	1	07/01/20	41-2020
5-10-10-4.5	Amended	4	07/01/20	99-2020
5-10-10-4.8	Amended	5	07/01/20	99-2020
5-10-10-4.9	Amended	6	07/01/20	99-2020
5-10-10-6	Amended	7	07/01/20	99-2020
5-10-13-1	Amended	1	07/01/20	112-2020
5-10-13-5	Amended	2	07/01/20	112-2020
5-10.2-3-6.5	Amended	2	01/01/21	51-2020
5-10.2-3-9	Amended	3	01/01/21	51-2020
5-10.2-4-7	Amended	4	01/01/21	51-2020
5-10.3-6-1.1	Added	1	07/01/20	96-2020
5-10.3-7-12.5	Amended	2	07/01/20	96-2020
5-10.3-12-1	Amended	3	07/01/20	96-2020
5-10.3-12-15.5	Added	4	07/01/20	96-2020
5-10.3-12-23	Amended	5	07/01/20	96-2020
5-10.3-12-24.5	Amended	6	07/01/20	96-2020
5-10.3-12-24.7	Added	7	07/01/20	96-2020
5-10.3-12-26	Amended	5	01/01/21	51-2020
5-10.4-8-12	Amended	6	01/01/21	51-2020
5-11-1-2	Amended	2	07/01/20	157-2020
5-11-1-4	Amended	3	07/01/20	157-2020
5-11-1-9	Amended	4	07/01/20	157-2020
5-11-1-9.3	Added	5	07/01/20	157-2020
5-11-1-10	Amended	6	07/01/20	157-2020
5-11-1-15	Amended	7	07/01/20	157-2020
5-11-1-16	Amended	8	07/01/20	157-2020
5-11-1-18	Amended	9	07/01/20	157-2020
5-11-1-21	Amended	10	07/01/20	157-2020

Affected Provisions	Type	SEC.	Effective	P.L.
5-11-1-22	Repealed	11	07/01/20	157-2020
5-11-1-25	Amended	12	07/01/20	157-2020
5-11-5-1	Amended	13	07/01/20	157-2020
5-11-5-1.5	Amended	14	07/01/20	157-2020
5-11-13-1	Amended	15	07/01/20	157-2020
5-14-3-2	Amended	1	07/01/20	64-2020
5-14-3-4	Amended	2	07/01/20	64-2020
5-14-3-4	Amended	12	07/01/20	156-2020
5-20-1-4	Amended	1	07/01/20	73-2020
5-20-5-15.5	Amended	1	07/01/20	17-2020
5-20-7	Repealed	2	07/01/20	17-2020
5-20-8	Repealed	3	07/01/20	17-2020
5-22-14-0.5	Repealed	13	07/01/20	15-2020
5-22-14-1	Amended	14	07/01/20	15-2020
5-22-14-2.5	Repealed	15	07/01/20	15-2020
5-22-14-3.5	Repealed	16	07/01/20	15-2020
5-22-14-11	Repealed	17	07/01/20	15-2020
5-22-15-23	Amended	18	07/01/20	15-2020
5-26.5-1-2.5	Added	1	07/01/20	149-2020
5-26.5-1-3	Amended	2	07/01/20	149-2020
5-26.5-1-3.5	Added	3	07/01/20	149-2020
5-26.5-1-3.8	Added	4	07/01/20	149-2020
5-26.5-1-4.5	Added	5	07/01/20	149-2020
5-26.5-1-4.8	Added	6	07/01/20	149-2020
5-26.5-1-5.5	Added	7	07/01/20	149-2020
5-26.5-1-5.6	Added	8	07/01/20	149-2020
5-26.5-1-8	Amended	9	07/01/20	149-2020
5-26.5-1-9	Amended	10	07/01/20	149-2020
5-26.5-2-2	Amended	11	07/01/20	149-2020
5-26.5-2-3	Amended	12	07/01/20	149-2020
5-26.5-2-6	Amended	13	07/01/20	149-2020
5-26.5-2-7	Amended	14	07/01/20	149-2020
5-26.5-2-10	Repealed	15	07/01/20	149-2020
5-26.5-3-2	Amended	16	07/01/20	149-2020
5-26.5-3-8	Added	17	07/01/20	149-2020
5-26.5-4-1.5	Added	18	07/01/20	149-2020
5-26.5-4-5	Repealed	19	07/01/20	149-2020
5-26.5-5-1	Amended	20	07/01/20	149-2020
5-26.5-5-2	Repealed	21	07/01/20	149-2020
5-26.5-5-2.5	Added	22	07/01/20	149-2020
5-26.5-5-2.6	Added	23	07/01/20	149-2020
5-26.5-5-3	Repealed	24	07/01/20	149-2020
5-26.5-5-4	Repealed	25	07/01/20	149-2020

Affected Provisions	Type	SEC.	Effective	P.L.
5-26.5-5-6	Added	26	07/01/20	149-2020
5-28-4-4	Amended	4	07/01/20	74-2020
5-28-7-5.5	Amended	1	07/01/20	18-2020
5-28-8-7	Amended	5	07/01/20	74-2020
5-28-20-8	Amended	19	07/01/20	15-2020
5-28-28-4	Amended	13	07/01/20	156-2020
5-28-28.4-2	Amended	1	07/01/20	30-2020
5-28-28.5-5	Amended	1	07/01/20	59-2020
5-28-28.5-6	Amended	2	07/01/20	59-2020
5-33-4-2	Amended	6	07/01/20	74-2020

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6-1.1-1-8.4	Amended	1	01/01/14	154-2020
6-1.1-2-8	Amended	3	07/01/20	159-2020
6-1.1-3-22	Amended	4	07/01/20	159-2020
6-1.1-4-12	Amended	2	03/21/20	154-2020
6-1.1-4-19.5	Amended	5	07/01/20	159-2020
6-1.1-4-25	Amended	6	07/01/20	159-2020
6-1.1-4-42	Amended	7	01/01/20	159-2020
6-1.1-5-7	Amended	1	07/01/20	56-2020
6-1.1-5.5-3	Amended	8	07/01/20	159-2020
6-1.1-5.5-5	Amended	9	07/01/20	159-2020
6-1.1-8.5-2	Amended	10	07/01/20	159-2020
6-1.1-8.5-8	Amended	11	07/01/20	159-2020
6-1.1-8.5-9	Amended	12	07/01/20	159-2020
6-1.1-8.7-2	Amended	13	07/01/20	159-2020
6-1.1-8.7-6	Amended	14	07/01/20	159-2020
6-1.1-9-10	Amended	3	01/01/19	154-2020
6-1.1-11-4	Amended	15	07/01/20	159-2020
6-1.1-12-9	Amended	16	03/21/20	159-2020
6-1.1-12-14	Amended	17	03/21/20	159-2020
6-1.1-12-15	Amended	14	07/01/20	156-2020
6-1.1-12-37	Amended	15	07/01/20	156-2020
6-1.1-15-1.1	Amended	16	07/01/20	156-2020
6-1.1-15-1.1	Amended	18	07/01/20	159-2020
6-1.1-15-3	Amended	4	01/01/19	154-2020
6-1.1-15-4	Amended	17	07/01/20	156-2020
6-1.1-15-5	Amended	18	07/01/20	156-2020
6-1.1-16-1	Amended	19	07/01/20	159-2020
6-1.1-16-2	Amended	20	07/01/20	159-2020
6-1.1-17-0.7	Amended	21	07/01/20	159-2020
6-1.1-17-3	Amended	22	07/01/20	159-2020

Affected Provisions	Type	SEC.	Effective	P.L.
6-1.1-17-5	Amended	23	07/01/20	159-2020
6-1.1-17-16	Amended	24	07/01/20	159-2020
6-1.1-17-16.7	Amended	25	07/01/20	159-2020
6-1.1-17-20.3	Amended	1	07/01/20	88-2020
6-1.1-17-20.3	Amended	26	07/01/20	159-2020
6-1.1-17-20.4	Amended	2	07/01/20	88-2020
6-1.1-17-20.6	Added	3	07/01/20	88-2020
6-1.1-18-5	Amended	19	07/01/20	156-2020
6-1.1-18-5	Amended	27	07/01/20	159-2020
6-1.1-18-28	Added	5	03/21/20	154-2020
6-1.1-18-29	Added	6	03/21/20	154-2020
6-1.1-18-30	Added	28	03/21/20	159-2020
6-1.1-18-31	Added	29	03/21/20	159-2020
6-1.1-18-32	Added	30	03/21/20	159-2020
6-1.1-18.5-2	Amended	31	07/01/20	159-2020
6-1.1-18.5-7	Amended	32	07/01/20	159-2020
6-1.1-18.5-10	Amended	33	07/01/20	159-2020
6-1.1-18.5-10.5	Amended	34	07/01/20	159-2020
6-1.1-18.5-12	Amended	35	07/01/20	159-2020
6-1.1-18.5-13	Amended	36	07/01/20	159-2020
6-1.1-18.5-14	Amended	37	07/01/20	159-2020
6-1.1-18.5-16	Amended	38	07/01/20	159-2020
6-1.1-18.5-25	Amended	39	07/01/20	159-2020
6-1.1-20-1.1	Amended	1	07/01/20	60-2020
6-1.1-20-1.1	Amended	40	07/01/20	159-2020
6-1.1-20-3.1	Amended	41	07/01/20	159-2020
6-1.1-20-3.5	Amended	42	07/01/20	159-2020
6-1.1-20-10	Amended	2	07/01/20	60-2020
6-1.1-20-10.1	Amended	3	07/01/20	60-2020
6-1.1-20.3-17	Amended	7	07/01/20	154-2020
6-1.1-20.6-8.5	Amended	43	03/21/20	159-2020
6-1.1-22-8.1	Amended	44	07/01/20	159-2020
6-1.1-24-5.3	Amended	45	07/01/20	159-2020
6-1.1-26-2.1	Amended	8	01/01/19	154-2020
6-1.1-26-4.2	Added	46	01/01/20	159-2020
6-1.1-30-16	Repealed	47	07/01/20	159-2020
6-1.1-31-1	Amended	48	07/01/20	159-2020
6-1.1-31.5-3.5	Amended	49	07/01/20	159-2020
6-1.1-33.5-8	Amended	50	07/01/20	159-2020
6-1.1-35.5-3	Amended	51	07/01/20	159-2020
6-1.1-35.5-5	Amended	52	07/01/20	159-2020
6-1.1-41-1	Amended	53	07/01/20	159-2020
6-2.5-1-1	Amended	2	07/01/20	146-2020

Affected Provisions	Type	SEC.	Effective	P.L.
6-2.5-1-5	Amended	3	07/01/20	146-2020
6-2.5-1-11.5	Amended	4	07/01/20	146-2020
6-2.5-2-1	Amended	5	07/01/20	146-2020
6-2.5-2-2	Amended	6	07/01/20	146-2020
6-2.5-2-5	Added	1	07/01/20	98-2020
6-2.5-3-1	Amended	7	07/01/20	146-2020
6-2.5-3-3	Amended	8	07/01/20	146-2020
6-2.5-3-4	Amended	9	07/01/20	146-2020
6-2.5-3-6	Amended	10	07/01/20	146-2020
6-2.5-3.5-26	Amended	11	07/01/14	146-2020
6-2.5-4-1	Amended	12	07/01/20	146-2020
6-2.5-4-18	Amended	13	07/01/20	146-2020
6-2.5-5-8	Amended	20	07/01/20	156-2020
6-2.5-6-6	Repealed	14	07/01/20	146-2020
6-2.5-6-14.1	Amended	15	07/01/20	146-2020
6-2.5-8-1	Amended	16	07/01/20	146-2020
6-2.5-8-7	Amended	21	07/01/20	156-2020
6-2.5-9-9	Amended	17	07/01/20	146-2020
6-2.5-9-10	Amended	18	07/01/20	146-2020
6-2.5-9-11	Amended	19	07/01/20	146-2020
6-2.5-10-2	Repealed	20	07/01/20	146-2020
6-2.5-10-6	Repealed	2	07/01/20	98-2020
6-3-1-3.5	Amended	21	01/01/21	146-2020
6-3-1-3.5	Amended	22	07/01/20	156-2020
6-3-1-11	Amended	22	01/01/20	146-2020
6-3-2-2	Amended	23	07/01/20	156-2020
6-3-2-6	Amended	23	01/01/21	146-2020
6-3-2-9	Amended	24	01/01/21	146-2020
6-3-2-22	Amended	4	01/01/21	92-2020
6-3-3-1	Amended	25	03/21/20	146-2020
6-3-3-10	Amended	9	07/01/20	154-2020
6-3-3-12	Amended	10	01/01/20	154-2020
6-3-4-13.5	Added	26	04/01/20	146-2020
6-3-4-16.7	Amended	27	03/21/20	146-2020
6-3.1-7-1	Amended	11	07/01/20	154-2020
6-3.1-7-4	Amended	12	07/01/20	154-2020
6-3.1-11-12	Amended	13	07/01/20	154-2020
6-3.1-11-13	Amended	7	07/01/20	74-2020
6-3.1-11-16	Amended	8	07/01/20	74-2020
6-3.1-11-16	Amended	14	07/01/20	154-2020
6-3.1-11-22	Amended	15	07/01/20	154-2020
6-3.1-13-9	Amended	16	07/01/20	154-2020
6-3.1-13-13	Amended	9	07/01/20	74-2020

Affected Provisions	Type	SEC.	Effective	P.L.
6-3.1-13-14	Amended	10	07/01/20	74-2020
6-3.1-13-15.7	Repealed	11	07/01/20	74-2020
6-3.1-13-19.7	Repealed	12	07/01/20	74-2020
6-3.1-16.1	Added	28	01/01/16	146-2020
6-3.1-19-1	Amended	17	07/01/20	154-2020
6-3.1-20-4	Amended	29	01/01/21	146-2020
6-3.1-20-5	Amended	30	01/01/21	146-2020
6-3.1-20-7	Amended	24	07/01/20	156-2020
6-3.1-24-4	Amended	18	07/01/20	154-2020
6-3.1-26-9	Amended	19	07/01/20	154-2020
6-3.1-29-13	Amended	20	07/01/20	15-2020
6-3.1-30.5-5	Amended	20	07/01/20	154-2020
6-3.1-34-3.5	Added	21	07/01/20	154-2020
6-3.1-34-6	Amended	22	07/01/20	154-2020
6-3.1-34-9	Amended	23	07/01/20	154-2020
6-3.1-34-10	Amended	24	07/01/20	154-2020
6-3.1-34-12	Amended	25	07/01/20	154-2020
6-3.1-34-14	Amended	26	07/01/20	154-2020
6-3.1-34-17	Amended	27	07/01/20	154-2020
6-3.1-34-20	Amended	25	07/01/20	156-2020
6-3.6-2-7.4	Added	28	03/21/20	154-2020
6-3.6-3-2	Amended	54	07/01/20	159-2020
6-3.6-3-5	Amended	29	03/21/20	154-2020
6-3.6-3-6	Amended	30	03/21/20	154-2020
6-3.6-3-7	Amended	31	03/21/20	154-2020
6-3.6-3-8	Amended	32	03/21/20	154-2020
6-3.6-3-9	Amended	33	03/21/20	154-2020
6-3.6-3-9.5	Added	34	03/21/20	154-2020
6-3.6-3-11	Added	35	01/01/20	154-2020
6-3.6-7-10	Amended	36	01/01/15	154-2020
6-3.6-7-16	Amended	37	01/01/15	154-2020
6-3.6-7-18	Amended	1	07/01/20	153-2020
6-3.6-11-9	Added	55	07/01/20	159-2020
6-5.5-1-21	Added	31	01/01/21	146-2020
6-6-1.1-606.5	Amended	32	07/01/20	146-2020
6-6-2.5-42	Amended	33	07/01/20	146-2020
6-6-2.5-43	Repealed	34	07/01/20	146-2020
6-6-4.1-21	Repealed	35	07/01/20	146-2020
6-6-5-7.2	Amended	26	07/01/20	156-2020
6-6-9.7-7	Amended	27	07/01/20	156-2020
6-6-11-1	Amended	1	01/01/21	164-2020
6-6-11-2	Repealed	2	01/01/21	164-2020
6-6-11-3	Repealed	3	01/01/21	164-2020

Affected Provisions	Type	SEC.	Effective	P.L.
6-6-11-4	Repealed	4	01/01/21	164-2020
6-6-11-5	Amended	5	01/01/21	164-2020
6-6-11-8	Amended	6	01/01/21	164-2020
6-6-11-9	Repealed	7	01/01/21	164-2020
6-6-11-10	Amended	8	01/01/21	164-2020
6-6-11-13	Amended	9	01/01/21	164-2020
6-6-11-14	Amended	10	01/01/21	164-2020
6-6-11-15	Repealed	11	01/01/21	164-2020
6-6-11-16	Repealed	12	01/01/21	164-2020
6-6-11-17	Repealed	13	01/01/21	164-2020
6-6-11-17.5	Repealed	14	01/01/21	164-2020
6-6-11-19	Repealed	15	01/01/21	164-2020
6-6-11-21	Amended	16	01/01/21	164-2020
6-6-11-22	Repealed	17	01/01/21	164-2020
6-6-11-23.5	Repealed	18	01/01/21	164-2020
6-6-11-24	Repealed	19	01/01/21	164-2020
6-6-11-26	Repealed	20	01/01/21	164-2020
6-6-11-27	Repealed	21	01/01/21	164-2020
6-6-11-29	Amended	22	01/01/21	164-2020
6-6-11-30	Amended	23	01/01/21	164-2020
6-6-11-35	Repealed	24	01/01/21	164-2020
6-6-15-3	Amended	28	07/01/20	156-2020
6-8-15	Added	38	07/01/20	154-2020
6-8.1-1-1	Amended	29	07/01/20	156-2020
6-8.1-3-7.1	Amended	36	07/01/20	146-2020
6-8.1-3-8	Amended	37	07/01/20	146-2020
6-8.1-3-17	Amended	38	07/01/20	146-2020
6-8.1-3-27	Added	39	07/01/20	146-2020
6-8.1-4-4	Amended	40	07/01/20	146-2020
6-8.1-5-1.5	Added	41	07/01/20	146-2020
6-8.1-5-2	Amended	42	04/01/20	146-2020
6-8.1-7-1	Amended	43	07/01/20	146-2020
6-8.1-7-1	Amended	30	07/01/20	156-2020
6-8.1-9-1	Amended	44	04/01/20	146-2020
6-8.1-9-2	Amended	45	04/01/20	146-2020
6-8.1-10-5	Amended	46	01/01/21	146-2020
6-8.1-11-3	Amended	47	07/01/20	146-2020
6-8.1-16.3-5	Repealed	48	07/01/20	146-2020
6-8.1-16.3-5.5	Added	49	06/30/20	146-2020

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7.1-1-3-13.5	Amended	6	07/01/20	142-2020

Affected Provisions	Type	SEC.	Effective	P.L.
7.1-1-3-25	Amended	1	07/01/20	49-2020
7.1-2-3-33	Amended	2	07/01/20	49-2020
7.1-3-18.5-2	Amended	3	07/01/20	49-2020
7.1-3-18.5-5	Amended	4	07/01/20	49-2020
7.1-3-18.5-6	Amended	5	07/01/20	49-2020
7.1-3-18.5-8	Amended	6	07/01/20	49-2020
7.1-3-18.5-9	Amended	7	07/01/20	49-2020
7.1-3-20-28.5	Amended	31	07/01/20	156-2020
7.1-5-9-10	Amended	32	07/01/20	156-2020
7.1-5-10-12	Amended	33	07/01/20	156-2020
7.1-5-12-5	Amended	8	07/01/20	49-2020
7.1-5-12-5	Amended	1	07/01/20	45-2020
7.1-6-2-2	Amended	9	07/01/20	49-2020
7.1-6-2-4	Amended	10	07/01/20	49-2020
7.1-7-2-6.3	Amended	11	07/01/20	49-2020
7.1-7-2-17	Repealed	12	07/01/20	49-2020
7.1-7-4-1	Amended	13	07/01/20	49-2020
7.1-7-5.5-1	Amended	14	07/01/20	49-2020
7.1-7-5.5-2	Amended	15	07/01/20	49-2020
7.1-7-5.5-3	Amended	16	07/01/20	49-2020
7.1-7-5.5-5	Amended	17	07/01/20	49-2020
7.1-7-6-2	Repealed	18	07/01/20	49-2020
7.1-7-6-2.1	Added	19	07/01/20	49-2020
7.1-7-6-5	Amended	20	07/01/20	49-2020
7.1-7-6-6	Amended	21	07/01/20	49-2020

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8-1-1.9-3	Amended	1	03/21/20	160-2020
8-1-1.9-4	Amended	2	03/21/20	160-2020
8-1-2-46.2	Amended	3	03/21/20	160-2020
8-1-2-101.5	Added	4	03/21/20	160-2020
8-1-2.4-4	Amended	34	07/01/20	156-2020
8-1-2.6-13	Amended	2	07/01/20	73-2020
8-1-3-6	Amended	2	07/01/20	81-2020
8-1-8.5-11	Added	1	03/21/20	165-2020
8-1-8.5-12	Added	2	03/21/20	165-2020
8-1-17-1	Amended	3	07/01/20	81-2020
8-1-17-2	Amended	4	07/01/20	81-2020
8-1-17-2.1	Amended	5	07/01/20	81-2020
8-1-17-2.2	Added	6	07/01/20	81-2020
8-1-17-3	Amended	7	07/01/20	81-2020
8-1-17-5	Amended	8	07/01/20	81-2020

Affected Provisions	Type	SEC.	Effective	P.L.
8-1-17-10	Amended	9	07/01/20	81-2020
8-1-17-11	Amended	10	07/01/20	81-2020
8-1-17-13	Amended	11	07/01/20	81-2020
8-1-17-20	Amended	12	07/01/20	81-2020
8-1-17-23	Amended	13	07/01/20	81-2020
8-1-17-25	Amended	14	07/01/20	81-2020
8-1-17-26	Amended	15	07/01/20	81-2020
8-1-17.5-25	Amended	3	07/01/20	73-2020
8-1-19.5	Repealed	4	07/01/20	73-2020
8-1-26-18.5	Added	1	03/14/20	46-2020
8-1-30.3-5	Amended	5	03/21/20	160-2020
8-1-30.3-5.5	Added	6	03/21/20	160-2020
8-1-30.3-6	Amended	7	03/21/20	160-2020
8-1-31-13	Amended	1	07/01/20	137-2020
8-1-31.6-4	Amended	2	07/01/20	137-2020
8-1-31.6-5	Amended	3	07/01/20	137-2020
8-1-31.6-6	Amended	4	07/01/20	137-2020
8-1-31.6-7	Amended	5	07/01/20	137-2020
8-1-31.6-8	Added	6	07/01/20	137-2020
8-1-31.6-9	Added	7	07/01/20	137-2020
8-1-31.6-10	Added	8	07/01/20	137-2020
8-1-31.6-11	Added	9	07/01/20	137-2020
8-1-31.6-12	Added	10	07/01/20	137-2020
8-1-31.6-13	Added	11	07/01/20	137-2020
8-1-31.6-14	Added	12	07/01/20	137-2020
8-1-31.6-15	Added	13	07/01/20	137-2020
8-1-31.6-16	Added	14	07/01/20	137-2020
8-1-31.7	Added	15	07/01/20	137-2020
8-1-32.5-6	Amended	5	07/01/20	73-2020
8-1.5-3-8	Amended	1	03/21/20	161-2020
8-2.1-23-4	Amended	50	07/01/20	146-2020
8-4.5-1-16	Amended	25	07/01/20	164-2020
8-4.5-4-2	Amended	26	07/01/20	164-2020
8-4.5-4-4	Amended	27	07/01/20	164-2020
8-4.5-4-8	Amended	28	07/01/20	164-2020
8-6-2.1-3	Amended	35	07/01/20	156-2020
8-6-2.1-5	Amended	36	07/01/20	156-2020
8-6-2.1-6	Amended	37	07/01/20	156-2020
8-6-2.1-9	Amended	38	07/01/20	156-2020
8-6-2.1-15	Amended	39	07/01/20	156-2020
8-6-2.1-17	Amended	40	07/01/20	156-2020
8-6-2.1-20	Amended	41	07/01/20	156-2020
8-15.5-1-2	Amended	1	07/01/20	9-2020

Affected Provisions	Type	SEC.	Effective	P.L.
8-15.5-2-3.2	Amended	2	07/01/20	9-2020
8-16-15.5-9	Repealed	2	02/17/20	163-2020
8-16-15.5-9.1	Added	3	02/17/20	163-2020
8-21-1-1	Amended	1	03/18/20	71-2020
8-21-10-3	Amended	2	03/18/20	71-2020
8-22-3.5-9	Amended	42	07/01/20	156-2020
8-23-11-1	Amended	1	07/01/20	16-2020
8-23-11-2	Repealed	2	07/01/20	16-2020
8-25-4-7	Amended	21	07/01/20	15-2020

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9-13-2-1.9	Added	1	07/01/20	120-2020
9-13-2-10	Amended	2	07/01/20	120-2020
9-13-2-38.9	Added	3	07/01/20	120-2020
9-13-2-39.7	Amended	4	07/01/20	120-2020
9-13-2-48	Amended	5	07/01/20	120-2020
9-13-2-50.5	Amended	6	07/01/20	120-2020
9-13-2-74.5	Amended	7	07/01/20	120-2020
9-13-2-79.7	Repealed	8	07/01/20	120-2020
9-13-2-97	Amended	9	07/01/20	120-2020
9-13-2-103.4	Amended	10	07/01/20	120-2020
9-13-2-103.5	Repealed	29	01/01/21	164-2020
9-13-2-105	Amended	11	07/01/20	120-2020
9-13-2-111.5	Added	12	07/01/20	120-2020
9-13-2-111.8	Added	13	07/01/20	120-2020
9-13-2-117.5	Amended	30	01/01/21	164-2020
9-13-2-118	Amended	31	01/01/21	164-2020
9-13-2-121	Amended	32	01/01/21	164-2020
9-13-2-123.5	Amended	14	07/01/20	120-2020
9-13-2-130	Amended	7	07/01/20	142-2020
9-13-2-175.5	Added	15	07/01/20	120-2020
9-13-2-177.4	Repealed	1	07/01/20	100-2020
9-13-2-194.5	Added	16	07/01/20	120-2020
9-13-2-196	Amended	33	01/01/21	164-2020
9-13-2-198.5	Amended	34	01/01/21	164-2020
9-14-12-2	Amended	35	01/01/21	164-2020
9-17-1-1	Amended	36	01/01/21	164-2020
9-17-2-4	Amended	17	01/01/21	120-2020
9-17-2-12	Amended	18	01/01/21	120-2020
9-17-5-5	Amended	19	07/01/20	120-2020
9-18.1-5-5	Amended	43	07/01/20	156-2020
9-18.1-9-4	Amended	37	01/01/21	164-2020

Affected Provisions	Type	SEC.	Effective	P.L.
9-18.1-11-6	Amended	44	07/01/20	156-2020
9-18.1-12-4	Amended	20	07/01/20	120-2020
9-18.1-14.5	Added	38	01/01/21	164-2020
9-18.5-7-1	Amended	1	07/01/20	79-2020
9-18.5-7-3	Amended	2	07/01/20	79-2020
9-18.5-23-1	Amended	1	01/01/21	57-2020
9-18.5-23-2	Amended	2	01/01/21	57-2020
9-18.5-23-3	Amended	3	01/01/21	57-2020
9-19-10.5-0.2	Added	21	07/01/20	120-2020
9-19-10.5-0.4	Added	22	07/01/20	120-2020
9-19-10.5-0.8	Added	23	07/01/20	120-2020
9-19-10.5-1	Amended	24	07/01/20	120-2020
9-19-10.5-2	Amended	25	07/01/20	120-2020
9-19-10.5-3	Amended	26	07/01/20	120-2020
9-19-11-9	Amended	1	07/01/20	23-2020
9-19-13-4	Amended	1	07/01/20	116-2020
9-19-14-4	Amended	2	07/01/20	116-2020
9-20-13-2	Amended	39	01/01/21	164-2020
9-21-3-11	Amended	1	07/01/20	110-2020
9-21-8-0.5	Amended	2	07/01/20	100-2020
9-21-8-35	Amended	3	07/01/20	116-2020
9-21-8-49	Amended	2	07/01/20	110-2020
9-21-8-51	Amended	3	07/01/20	110-2020
9-21-8-59	Amended	3	07/01/20	100-2020
9-21-11-13.1	Amended	45	07/01/20	156-2020
9-21-12-20.5	Amended	5	03/18/20	92-2020
9-22-6-0.5	Added	40	01/01/21	164-2020
9-23	Repealed	46	07/01/20	156-2020
9-24-2-1	Amended	3	04/01/20	147-2020
9-24-11-4	Amended	27	07/01/20	120-2020
9-24-11-5	Amended	28	07/01/20	120-2020
9-24-11-5.5	Amended	29	07/01/20	120-2020
9-24-11-8	Amended	30	07/01/20	120-2020
9-24-12-1	Amended	47	07/01/20	156-2020
9-24-13-3	Amended	31	07/01/20	120-2020
9-24-16-3	Amended	32	07/01/20	120-2020
9-24-17.5-1	Amended	33	07/01/20	120-2020
9-24-17.5-2	Amended	34	07/01/20	120-2020
9-24-17.5-3	Amended	35	07/01/20	120-2020
9-24-17.5-4	Amended	36	07/01/20	120-2020
9-27-6-3	Amended	6	03/18/20	92-2020
9-27-6-6	Amended	7	03/18/20	92-2020
9-30-5-1	Amended	8	07/01/20	142-2020

Affected Provisions	Type	SEC.	Effective	P.L.
9-30-5-3	Amended	9	07/01/20	142-2020
9-30-6-8	Amended	1	07/01/20	29-2020
9-30-6-8	Amended	4	07/01/20	110-2020
9-30-6-13.5	Amended	5	07/01/20	110-2020
9-30-8-3	Amended	2	07/01/20	23-2020
9-30-16-1	Amended	6	07/01/20	110-2020
9-30-16-3	Amended	2	07/01/20	29-2020
9-30-16-3.5	Amended	3	07/01/20	29-2020
9-30-16-6	Amended	7	07/01/20	110-2020
9-30-16-6.5	Added	8	07/01/20	110-2020
9-31	Repealed	41	01/01/21	164-2020
9-32-2-9	Amended	37	07/01/20	120-2020
9-32-2-9.6	Amended	38	07/01/20	120-2020
9-32-2-9.9	Amended	39	07/01/20	120-2020
9-32-2-11.2	Amended	40	07/01/20	120-2020
9-32-2-18.3	Added	41	07/01/20	120-2020
9-32-2-19	Repealed	42	07/01/20	120-2020
9-32-2-25	Amended	43	07/01/20	120-2020
9-32-2-26.5	Added	44	07/01/20	120-2020
9-32-2-26.6	Added	45	07/01/20	120-2020
9-32-6-1	Amended	46	07/01/20	120-2020
9-32-6-5	Amended	47	07/01/20	120-2020
9-32-6-6.5	Amended	48	07/01/20	120-2020
9-32-6-7	Amended	49	07/01/20	120-2020
9-32-6-8	Repealed	50	07/01/20	120-2020
9-32-6-11	Amended	51	07/01/21	120-2020
9-32-6-14	Amended	52	07/01/20	120-2020
9-32-6.5-1	Amended	53	07/01/20	120-2020
9-32-7-2	Amended	54	07/01/20	120-2020
9-32-7.5	Added	55	07/01/20	120-2020
9-32-8-6	Repealed	56	07/01/20	120-2020
9-32-8-8	Amended	57	07/01/20	120-2020
9-32-8-8	Amended	42	01/01/21	164-2020
9-32-11-1	Amended	58	07/01/20	120-2020
9-32-11-2	Amended	59	07/01/20	120-2020
9-32-11-2.1	Added	60	07/01/20	120-2020
9-32-11-2.5	Amended	61	07/01/20	120-2020
9-32-11-5	Amended	62	07/01/20	120-2020
9-32-11-9	Amended	63	07/01/20	120-2020
9-32-11-10	Amended	64	07/01/20	120-2020
9-32-11-11	Amended	65	07/01/20	120-2020
9-32-11-12.5	Amended	66	07/01/20	120-2020
9-32-11-15	Amended	67	07/01/20	120-2020

Affected Provisions	Type	SEC.	Effective	P.L.
9-32-11-21	Amended	68	07/01/20	120-2020
9-32-13-25	Amended	69	07/01/20	120-2020
9-32-14-1	Amended	70	07/01/20	120-2020
9-32-14-3	Amended	71	07/01/20	120-2020
9-32-14-4	Amended	72	07/01/20	120-2020
9-32-16-2	Amended	73	07/01/20	120-2020
9-32-16-3	Amended	74	07/01/20	120-2020
9-32-16-5	Amended	75	07/01/20	120-2020
9-32-16-6	Amended	76	07/01/20	120-2020
9-32-16-11	Amended	77	07/01/20	120-2020

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10-10.5	Added	1	07/01/20	113-2020
10-12-6-2	Amended	8	07/01/20	99-2020
10-13-3-16	Amended	4	07/01/20	88-2020
10-13-3-27	Amended	10	07/01/20	142-2020
10-13-6-10	Amended	11	07/01/20	142-2020
10-14-3-22	Amended	48	07/01/20	156-2020
10-16-7-17.5	Added	1	07/01/20	12-2020
10-17-1-4	Amended	1	07/01/20	42-2020
10-17-1-5	Amended	2	07/01/20	42-2020
10-17-1-6	Amended	3	07/01/20	42-2020
10-17-1-9	Amended	4	07/01/20	42-2020
10-17-1-10	Amended	5	07/01/20	42-2020
10-17-2-1	Amended	6	07/01/20	42-2020
10-17-2-2	Amended	7	07/01/20	42-2020
10-17-2-4	Amended	8	07/01/20	42-2020
10-17-5	Repealed	9	07/01/20	42-2020
10-17-7-3	Amended	10	07/01/20	42-2020
10-17-8	Repealed	11	07/01/20	42-2020
10-17-12-7.5	Amended	12	07/01/20	42-2020
10-17-12-8	Amended	13	07/01/20	42-2020
10-17-12-10	Amended	49	07/01/20	156-2020
10-17-12-10	Amended	14	07/01/20	42-2020
10-17-12.5	Repealed	15	07/01/20	42-2020
10-19-1-1.5	Added	4	07/01/20	57-2020
10-19-2.1	Added	5	07/01/20	57-2020
10-19-3-3	Amended	1	07/01/20	43-2020
10-19-3-7	Amended	50	07/01/20	156-2020
10-19-3-8	Amended	6	07/01/20	57-2020
10-19-7-3	Amended	2	07/01/20	43-2020
10-19-7-5	Amended	3	07/01/20	43-2020

Affected Provisions	Type	SEC.	Effective	P.L.
10-19-11-6	Amended	7	07/01/20	57-2020
10-21-1-1	Amended	8	03/18/20	92-2020
10-21-1-5	Amended	1	07/01/20	69-2020

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11-8-2-5	Amended	51	07/01/20	156-2020
11-8-8-4.5	Amended	12	07/01/20	142-2020
11-8-8-5	Amended	13	07/01/20	142-2020
11-8-8-17	Amended	14	07/01/20	142-2020
11-8-8-23	Amended	52	07/01/20	156-2020
11-12-3.7-6	Amended	15	07/01/20	142-2020
11-12-6.8	Repealed	2	03/14/20	48-2020

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12-7-2-34	Amended	1	03/18/20	75-2020
12-7-2-53.2	Amended	16	07/01/20	142-2020
12-7-2-76.1	Added	2	07/01/20	115-2020
12-7-2-184	Amended	3	07/01/20	9-2020
12-8-1.5-19	Added	6	07/01/20	73-2020
12-12.7-2-3	Amended	4	07/01/20	9-2020
12-12.7-2-3	Amended	2	07/01/20	111-2020
12-12.7-2-9	Amended	3	07/01/20	111-2020
12-12.7-2-10	Amended	4	07/01/20	111-2020
12-12.7-2-11	Amended	5	07/01/20	111-2020
12-12.7-2-14	Amended	6	07/01/20	111-2020
12-12.7-2-14.5	Added	7	07/01/20	111-2020
12-12.7-2-17	Amended	8	07/01/20	111-2020
12-12.7-2-23	Added	9	07/01/20	111-2020
12-13-16	Added	7	07/01/20	73-2020
12-14-1-1.2	Added	1	01/01/21	14-2020
12-14-1-1.4	Added	2	07/01/20	14-2020
12-14-2-1	Amended	3	01/01/21	14-2020
12-14-2-3	Amended	4	01/01/21	14-2020
12-14-2-5.3	Amended	53	07/01/20	156-2020
12-14-30-5	Added	5	01/01/21	14-2020
12-14-30-6	Added	6	07/01/20	14-2020
12-15-1.3-15	Amended	54	07/01/20	156-2020
12-15-2-17.5	Added	7	01/01/21	14-2020
12-15-2-17.7	Added	8	07/01/20	14-2020
12-15-5-14.5	Amended	1	03/18/20	103-2020
12-15-5-17	Amended	2	06/29/20	103-2020

Affected Provisions	Type	SEC.	Effective	P.L.
12-15-5-18.5	Added	3	07/01/20	115-2020
12-15-5-20	Added	1	07/01/20	127-2020
12-15-5-21	Added	2	07/01/20	127-2020
12-15-11-6	Amended	1	07/01/20	93-2020
12-15-13-9	Amended	3	03/18/20	103-2020
12-15-13.5-6	Added	3	07/01/20	127-2020
12-15-16-7.7	Amended	55	07/01/20	156-2020
12-15-30.5-4	Amended	56	07/01/20	156-2020
12-16-13.5-1	Amended	57	07/01/20	156-2020
12-16-13.5-2	Amended	58	07/01/20	156-2020
12-17.2-2-1	Amended	1	07/01/20	121-2020
12-17.2-3.5-4	Amended	2	07/01/20	121-2020
12-17.2-3.5-12	Amended	3	07/01/20	121-2020
12-17.2-4-3	Amended	4	07/01/20	121-2020
12-17.2-4-5	Amended	5	07/01/20	121-2020
12-17.2-4-32	Amended	6	07/01/20	121-2020
12-17.2-5-3	Amended	7	07/01/20	121-2020
12-17.2-5-4	Amended	59	07/01/20	156-2020
12-17.2-5-4	Amended	8	07/01/20	121-2020
12-17.2-5-32	Amended	9	07/01/20	121-2020
12-17.2-6-7.5	Added	5	07/01/20	9-2020
12-17.2-6-14	Amended	10	07/01/20	121-2020
12-17.2-6-16	Amended	11	07/01/20	121-2020
12-17.2-6-19	Amended	12	07/01/20	121-2020
12-17.2-7.2-13.5	Amended	60	07/01/20	156-2020
12-20-21-3.2	Amended	56	07/01/20	159-2020
12-21-2-3	Amended	4	07/01/20	127-2020
12-21-5-7	Added	5	07/01/20	127-2020
12-21-7	Added	2	03/18/20	75-2020
12-23-19-9	Added	6	07/01/20	127-2020
12-24-1-3	Amended	6	07/01/20	9-2020
12-26-6-8	Amended	7	07/01/20	9-2020
12-26-7-3	Amended	8	07/01/20	9-2020
12-29-1-1	Amended	57	07/01/20	159-2020
12-29-1-2	Amended	58	07/01/20	159-2020
12-29-1-3	Amended	59	07/01/20	159-2020
12-29-2-1.5	Added	7	07/01/20	127-2020
12-29-2-2	Amended	60	07/01/20	159-2020

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13-11-2-91.5	Added	1	07/01/20	126-2020
13-11-2-243.5	Added	1	07/01/20	27-2020

Affected Provisions	Type	SEC.	Effective	P.L.
13-14-8-9	Amended	2	07/01/20	126-2020
13-18-11-4	Amended	3	07/01/20	126-2020
13-18-22-1	Amended	1	07/01/20	166-2020
13-20-13-11	Amended	2	07/01/20	27-2020
13-21-15-3	Amended	61	07/01/20	159-2020

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14-8-2-5.7	Amended	43	07/01/20	164-2020
14-8-2-46.5	Added	1	07/01/20	148-2020
14-8-2-91.7	Added	2	07/01/20	148-2020
14-8-2-156.9	Added	1	07/01/20	104-2020
14-8-2-179.5	Amended	3	07/01/20	148-2020
14-8-2-179.8	Added	4	07/01/20	148-2020
14-8-2-202.5	Amended	5	07/01/20	148-2020
14-8-2-208.5	Added	6	07/01/20	148-2020
14-8-2-210.5	Added	7	07/01/20	148-2020
14-8-2-212.5	Added	8	07/01/20	148-2020
14-8-2-233.5	Amended	44	07/01/20	164-2020
14-8-2-240	Amended	9	07/01/20	148-2020
14-8-2-240.2	Added	11	07/01/20	148-2020
14-8-2-242	Amended	10	07/01/20	148-2020
14-8-2-245.1	Added	2	07/01/20	104-2020
14-8-2-294.6	Added	12	07/01/20	148-2020
14-8-2-305	Amended	13	07/01/20	148-2020
14-9-8-21.5	Amended	45	01/01/21	164-2020
14-10-2-4	Amended	46	07/01/20	164-2020
14-10-2-5	Amended	47	07/01/20	164-2020
14-13-9-23	Amended	1	07/01/20	13-2020
14-15-4-1	Amended	17	07/01/20	142-2020
14-15-6-1	Amended	48	07/01/20	164-2020
14-15-6-2.5	Added	49	07/01/20	164-2020
14-15-6-3	Amended	50	07/01/20	164-2020
14-15-6-6	Amended	51	07/01/20	164-2020
14-15-13-3	Amended	52	07/01/20	164-2020
14-22-2-8	Amended	53	12/31/19	164-2020
14-22-3.5-4	Amended	54	01/01/21	164-2020
14-22-9-3	Amended	55	07/01/20	164-2020
14-22-11-15	Amended	56	07/01/20	164-2020
14-22-11-20	Added	1	07/01/20	11-2020
14-26-2.1	Added	57	07/01/20	164-2020
14-27-7.3	Added	3	07/01/20	104-2020
14-28-1-19.5	Added	58	07/01/20	164-2020

Affected Provisions	Type	SEC.	Effective	P.L.
14-28-1-22	Amended	61	07/01/20	156-2020
14-28-1-23	Amended	1	01/01/20	90-2020
14-29-1-9	Added	59	07/01/20	164-2020
14-33-6-13	Amended	14	07/01/20	148-2020
14-33-9-11	Added	15	07/01/20	148-2020
14-33-24	Added	16	07/01/20	148-2020

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15-15-13-8	Amended	62	07/01/20	156-2020
15-15-13-12	Amended	63	07/01/20	156-2020
15-15-13-13.5	Amended	64	07/01/20	156-2020
15-16-4-3	Amended	1	03/18/20	91-2020
15-16-4-10	Amended	2	03/18/20	91-2020
15-16-4-14	Amended	3	03/18/20	91-2020
15-16-4-18	Amended	4	03/18/20	91-2020
15-16-4-28	Amended	5	03/18/20	91-2020
15-16-4-34	Amended	6	03/18/20	91-2020
15-16-4-56	Amended	7	03/18/20	91-2020
15-16-4-61	Amended	8	03/18/20	91-2020
15-16-4-62	Amended	9	03/18/20	91-2020
15-16-4-64	Amended	10	07/01/20	91-2020
15-16-4-69	Amended	11	07/01/20	91-2020
15-16-4-73	Amended	12	03/18/20	91-2020
15-16-5-7	Amended	13	03/18/20	91-2020
15-16-5-10	Amended	14	03/18/20	91-2020
15-16-5-16	Amended	15	03/18/20	91-2020
15-16-5-19	Amended	16	03/18/20	91-2020
15-16-5-29	Amended	17	03/18/20	91-2020
15-16-5-34	Amended	18	03/18/20	91-2020
15-16-5-39.6	Added	19	07/01/20	91-2020
15-16-5-45	Amended	20	03/18/20	91-2020
15-16-5-47	Amended	21	03/18/20	91-2020
15-16-5-48	Amended	22	03/18/20	91-2020
15-16-5-55	Amended	23	03/18/20	91-2020
15-16-5-59	Amended	24	07/01/20	91-2020
15-16-5-65	Amended	25	03/18/20	91-2020
15-16-5-66	Amended	26	07/01/20	91-2020

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16-18-2-7.3	Added	1	01/01/21	131-2020
16-18-2-49	Repealed	3	07/01/20	112-2020

Affected Provisions	Type	SEC.	Effective	P.L.
16-18-2-51.5	Amended	2	07/01/20	45-2020
16-18-2-52	Amended	3	07/01/20	45-2020
16-18-2-64.6	Added	1	07/01/20	44-2020
16-18-2-91	Repealed	4	07/01/20	112-2020
16-18-2-138.3	Repealed	4	07/01/20	45-2020
16-18-2-163	Amended	5	07/01/20	112-2020
16-18-2-188.3	Added	6	07/01/20	112-2020
16-18-2-194.5	Amended	7	07/01/20	112-2020
16-18-2-199	Amended	1	01/01/21	10-2020
16-18-2-265.5	Amended	2	07/01/20	44-2020
16-18-2-282.1	Added	2	01/01/21	131-2020
16-18-2-302.6	Amended	8	07/01/20	112-2020
16-18-2-327.5	Added	9	07/01/20	112-2020
16-18-2-328	Amended	10	07/01/20	112-2020
16-18-2-338.3	Amended	3	07/01/20	114-2020
16-18-2-362.1	Added	1	07/01/20	50-2020
16-18-2-375.5	Added	2	07/01/20	93-2020
16-21-2-13	Amended	65	07/01/20	156-2020
16-21-7-4	Amended	11	07/01/20	112-2020
16-21-17-0.5	Added	3	07/01/20	93-2020
16-21-17-1	Amended	4	07/01/20	93-2020
16-21-17	Added	2	07/01/20	50-2020
[1]16-21-24.5-2	Amended	5	07/01/20	93-2020
16-24.5	Added	3	07/01/20	50-2020
16-25-4.5-4	Amended	8	07/01/20	73-2020
16-25-4.7	Added	3	07/01/20	44-2020
16-27-1-12	Amended	5	07/01/20	45-2020
16-27-2-5	Amended	18	07/01/20	142-2020
16-30-4-1	Amended	12	07/01/20	112-2020
16-31-3-14	Amended	19	07/01/20	142-2020
16-31-3-14.5	Amended	20	07/01/20	142-2020
16-31-6-1	Amended	2	07/01/20	113-2020
16-31-12-3	Amended	66	07/01/20	156-2020
16-31-12-4	Amended	67	07/01/20	156-2020
16-31-12-5	Amended	68	07/01/20	156-2020
16-31.5	Added	1	07/01/20	3-2020
16-34-2-1.1	Amended	1	07/01/20	77-2020
16-34-2-1.5	Amended	9	07/01/20	73-2020
16-34-3-2	Amended	2	07/01/20	77-2020
16-34-3-4	Amended	3	07/01/20	77-2020
16-35-8-1	Amended	9	03/18/20	92-2020
16-37-1-3.1	Amended	3	01/01/21	131-2020
16-37-3-3	Amended	4	01/01/21	131-2020

Affected Provisions	Type	SEC.	Effective	P.L.
16-37-3-4	Amended	5	01/01/21	131-2020
16-37-3-5	Amended	6	01/01/21	131-2020
16-37-3-6	Amended	7	01/01/21	131-2020
16-38-5-1	Amended	6	07/01/20	45-2020
16-39-1-3	Amended	7	04/01/20	45-2020
16-39-2-6	Amended	69	07/01/20	156-2020
16-39-2-6	Amended	8	04/01/20	45-2020
16-39-3-3	Amended	70	07/01/20	156-2020
16-39-5-3	Amended	9	04/01/20	45-2020
16-41-2-1	Amended	13	07/01/20	112-2020
16-41-3-1	Amended	14	07/01/20	112-2020
16-41-3-2	Amended	15	07/01/20	112-2020
16-41-4-1	Amended	16	07/01/20	112-2020
16-41-4-2	Amended	17	07/01/20	112-2020
16-41-5-2	Amended	18	07/01/20	112-2020
16-41-6-1	Amended	19	07/01/20	112-2020
16-41-6-2	Amended	20	07/01/20	112-2020
16-41-6-11	Amended	21	07/01/20	112-2020
16-41-7-1	Amended	22	07/01/20	112-2020
16-41-7-2	Amended	23	07/01/20	112-2020
16-41-7-3	Amended	24	07/01/20	112-2020
16-41-7-4	Amended	25	07/01/20	112-2020
16-41-7.5-6	Amended	26	07/01/20	112-2020
16-41-7.5-12	Amended	27	07/01/20	112-2020
16-41-7.5-14	Amended	28	07/01/20	112-2020
16-41-8-1	Amended	29	07/01/20	112-2020
16-41-8-5	Amended	30	07/01/20	112-2020
16-41-9-1.5	Amended	31	07/01/20	112-2020
16-41-9-1.7	Amended	32	07/01/20	112-2020
16-41-9-3	Amended	33	07/01/20	112-2020
16-41-9-5	Amended	34	07/01/20	112-2020
16-41-9-6	Amended	35	07/01/20	112-2020
16-41-9-7	Amended	36	07/01/20	112-2020
16-41-9-8	Amended	37	07/01/20	112-2020
16-41-9-9	Amended	38	07/01/20	112-2020
16-41-9-10	Amended	39	07/01/20	112-2020
16-41-9-12	Amended	40	07/01/20	112-2020
16-41-9-13	Amended	41	07/01/20	112-2020
16-41-9-15	Amended	42	07/01/20	112-2020
16-41-10-2	Amended	43	07/01/20	112-2020
16-41-10-2.5	Amended	44	07/01/20	112-2020
16-41-10-2.6	Amended	71	07/01/20	156-2020
16-41-10-2.6	Amended	45	07/01/20	112-2020

Affected Provisions	Type	SEC.	Effective	P.L.
16-41-10-3	Amended	46	07/01/20	112-2020
16-41-10-3.5	Amended	47	07/01/20	112-2020
16-41-10-4	Amended	48	07/01/20	112-2020
16-41-11-3	Amended	49	07/01/20	112-2020
16-41-12-15	Amended	1	07/01/20	133-2020
16-41-13-1	Amended	50	07/01/20	112-2020
16-41-14-8	Amended	51	07/01/20	112-2020
16-41-14-13	Amended	2	07/01/20	133-2020
16-41-16-4	Amended	52	07/01/20	112-2020
16-41-17-2	Amended	1	07/01/21	19-2020
16-41-21.1-3	Added	1	07/01/20	122-2020
16-41-37.5-2	Amended	10	03/18/20	92-2020
16-41-37.5-2.5	Amended	11	03/18/20	92-2020
16-41-37.5-2.5	Amended	72	07/01/20	156-2020
16-41-38-2.5	Added	1	07/01/20	25-2020
16-41-43-2.3	Added	4	07/01/20	114-2020
16-41-43-2.5	Added	5	07/01/20	114-2020
16-41-43-3.5	Amended	6	07/01/20	114-2020
16-41-43-5.5	Added	7	07/01/20	114-2020
16-42-5.2-1	Amended	10	07/01/20	45-2020
16-42-5.2-2	Amended	11	07/01/20	45-2020
16-42-5.2-3.5	Amended	12	07/01/20	45-2020
16-42-5.2-3.7	Added	13	07/01/20	45-2020
16-42-5.2-4	Amended	14	07/01/20	45-2020
16-42-5.2-5	Repealed	15	07/01/20	45-2020
16-42-5.2-6	Repealed	16	07/01/20	45-2020
16-42-5.2-7	Repealed	17	07/01/20	45-2020
16-42-5.2-7.1	Added	18	07/01/20	45-2020
16-42-5.2-7.5	Added	19	07/01/20	45-2020
16-42-5.2-8	Amended	20	07/01/20	45-2020
16-42-5.2-8.5	Added	21	07/01/20	45-2020
16-42-5.2-9	Amended	22	07/01/20	45-2020
16-42-5.2-10	Amended	23	07/01/20	45-2020
16-42-5.2-11	Amended	24	07/01/20	45-2020
16-42-5.2-12	Amended	25	07/01/20	45-2020
16-42-5.2-13	Amended	26	07/01/20	45-2020
16-42-5.2-14	Amended	27	07/01/20	45-2020
16-42-5.2-16	Added	28	07/01/20	45-2020
16-42-19-29	Repealed	2	01/01/21	10-2020
16-49.5	Added	53	07/01/20	112-2020

Affected Provisions	Type	SEC.	Effective	P.L.
Title 20				
20-18-2-18.7	Added	12	03/18/20	92-2020
20-18-2-18.8	Added	13	03/18/20	92-2020
20-19-2-2.2	Amended	1	03/18/20	82-2020
20-19-2-2.2	Amended	73	07/01/20	156-2020
20-19-2-8	Amended	14	03/18/20	92-2020
20-19-2-10	Repealed	15	03/18/20	92-2020
20-19-2-11	Repealed	16	03/18/20	92-2020
20-19-3-7	Repealed	3	07/01/20	133-2020
20-19-3-20	Added	1	07/01/20	155-2020
20-19-3-22	Added	2	07/01/20	155-2020
20-19-8-3	Amended	17	03/18/20	92-2020
20-19-9-6	Amended	1	07/01/20	38-2020
20-19-9.1	Added	2	03/18/20	82-2020
20-20-5.5-3	Amended	18	03/18/20	92-2020
20-20-8-3	Amended	19	07/01/20	92-2020
20-20-40-8	Amended	20	03/18/20	92-2020
20-20-40-11	Amended	21	03/18/20	92-2020
20-20-40-13	Amended	22	03/18/20	92-2020
20-20-40-14	Amended	23	03/18/20	92-2020
20-20-40-15	Amended	24	03/18/20	92-2020
20-23-4-21.5	Added	3	03/21/20	155-2020
20-23-4-21.6	Added	4	03/21/20	155-2020
20-23-18-3	Amended	4	04/01/20	147-2020
20-24-2.2-2	Amended	74	07/01/20	156-2020
20-24-5-4.5	Amended	2	07/01/20	38-2020
20-24-7-6	Amended	39	03/21/20	154-2020
20-24-8-2	Amended	3	07/01/20	38-2020
20-24-8-5	Amended	5	04/01/20	147-2020
20-25-4-20	Amended	5	07/01/20	155-2020
20-25-13-5	Amended	25	03/18/20	92-2020
20-25.7-4-9	Amended	4	07/01/20	38-2020
20-25.7-5-2	Amended	75	07/01/20	156-2020
20-25.7-5-5	Amended	6	03/21/20	155-2020
20-26-5-11	Amended	21	07/01/20	142-2020
20-26-5-34.2	Amended	26	07/01/20	92-2020
20-26-7.1-3	Amended	27	03/18/20	92-2020
20-26-7.1-7	Amended	28	03/18/20	92-2020
20-26-9-8.5	Added	9	07/01/20	14-2020
20-26-11-1	Amended	5	07/01/20	38-2020
20-26-11-2	Amended	6	07/01/20	38-2020
20-26-11-2.5	Amended	7	07/01/20	38-2020

Affected Provisions	Type	SEC.	Effective	P.L.
20-26-11-3	Amended	8	07/01/20	38-2020
20-26-11-6.5	Amended	7	07/01/20	155-2020
20-26-11-6.7	Amended	29	03/18/20	92-2020
20-26-11-31	Amended	30	03/18/20	92-2020
20-26-11-31	Amended	8	07/01/20	155-2020
20-26-11-32	Amended	31	03/18/20	92-2020
20-26-13-1	Amended	32	03/18/20	92-2020
20-26-13-10	Amended	1	07/01/20	86-2020
20-26-13-10	Amended	1	07/01/20	125-2020
20-26-13-11	Amended	2	07/01/20	86-2020
20-26-13-11	Amended	2	07/01/20	125-2020
20-26-13-13	Amended	3	07/01/20	86-2020
20-26-13-13	Amended	3	07/01/20	125-2020
20-26-13-16.5	Added	4	07/01/20	86-2020
20-26-13-17	Added	4	07/01/20	125-2020
20-26-14-8	Amended	22	07/01/20	142-2020
20-26-14-9	Amended	33	03/18/20	92-2020
20-26-15-4	Amended	34	03/18/20	92-2020
20-26-15-5	Amended	35	03/18/20	92-2020
20-26-15-8	Amended	54	07/01/20	112-2020
20-26-15-9	Amended	36	03/18/20	92-2020
20-26-15-13	Amended	37	03/18/20	92-2020
20-26-15-16	Added	38	03/18/20	92-2020
20-26-16-6	Amended	76	07/01/20	156-2020
20-26-18.2-4	Amended	39	03/18/20	92-2020
20-26-18.2-5	Added	8	07/01/20	57-2020
20-26-19	Added	9	07/01/20	38-2020
20-26-20	Added	5	07/01/20	86-2020
20-26.5-1-2	Amended	40	03/18/20	92-2020
20-26.5-2-1	Amended	41	03/18/20	92-2020
20-26.5-2-2	Amended	42	03/18/20	92-2020
20-26.5-2-3	Amended	43	03/18/20	92-2020
20-27-3-1	Amended	3	07/01/20	23-2020
20-27-9-2	Amended	9	07/01/20	155-2020
20-27-9-5	Amended	10	07/01/20	155-2020
20-27-10-0.5	Amended	44	03/18/20	92-2020
20-27-12.1	Added	11	07/01/20	155-2020
20-28-3-3.5	Amended	45	03/18/20	92-2020
20-28-3-4.5	Amended	46	07/01/20	92-2020
20-28-3-6	Amended	47	07/01/20	92-2020
20-28-3-7	Amended	48	07/01/20	92-2020
20-28-4-10	Amended	49	07/01/20	92-2020
20-28-5-3	Amended	50	07/01/20	92-2020

Affected Provisions	Type	SEC.	Effective	P.L.
20-28-5-12	Amended	77	07/01/20	156-2020
20-28-5-15	Amended	51	07/01/20	92-2020
20-28-5-18	Amended	52	07/01/20	92-2020
20-28-5-22	Amended	78	07/01/20	156-2020
20-28-5-25	Amended	1	03/18/20	78-2020
20-28-5-26	Added	1	07/01/20	124-2020
20-28-5.5	Added	53	07/01/20	92-2020
20-28-8-6	Amended	12	07/01/20	155-2020
20-28-11.5-4	Amended	1	07/01/20	150-2020
20-28-11.5-8	Amended	2	07/01/20	150-2020
20-28-11.5-9	Amended	3	07/01/20	150-2020
20-29-3-15	Amended	13	07/01/20	155-2020
20-29-6-12.5	Amended	62	07/01/20	159-2020
20-30-1-1	Amended	54	03/18/20	92-2020
20-30-2-2.2	Amended	6	04/01/20	147-2020
20-30-3-5	Added	14	07/01/20	155-2020
20-30-5-5.7	Amended	1	07/01/20	76-2020
20-30-5-5.7	Amended	55	03/18/20	92-2020
20-30-5-7	Amended	6	07/01/20	86-2020
20-30-5-7	Amended	56	03/18/20	92-2020
20-30-5-12	Amended	55	07/01/20	112-2020
20-30-5-13	Amended	57	03/18/20	92-2020
20-30-5-14	Amended	2	07/01/20	76-2020
20-30-5-14.5	Added	3	07/01/20	76-2020
20-30-5-19	Amended	58	03/18/20	92-2020
20-30-5-20	Amended	59	03/18/20	92-2020
20-30-5-21	Amended	60	03/18/20	92-2020
20-30-5-22	Amended	61	03/18/20	92-2020
20-30-5-23	Amended	4	07/01/20	76-2020
20-30-6.1-3	Added	15	07/01/20	155-2020
20-30-7-5	Amended	62	03/18/20	92-2020
20-30-8.5	Added	7	07/01/20	86-2020
20-30-14.5-3	Amended	63	03/18/20	92-2020
20-30-14.5-4	Amended	64	03/18/20	92-2020
20-30-14.5-5	Amended	65	03/18/20	92-2020
20-31-1-1	Amended	66	03/18/20	92-2020
20-31-2-8	Amended	67	03/18/20	92-2020
20-31-4	Repealed	68	03/18/20	92-2020
20-31-4.1	Added	69	03/18/20	92-2020
20-31-5-4	Amended	5	07/01/20	76-2020
20-32-1-1	Amended	70	03/18/20	92-2020
20-32-2-3	Amended	71	03/18/20	92-2020
20-32-3-2	Amended	72	03/18/20	92-2020

Affected Provisions	Type	SEC.	Effective	P.L.
20-32-4-1.5	Amended	73	03/18/20	92-2020
20-32-4-4.1	Amended	74	07/01/20	92-2020
20-32-5.1-6	Amended	3	07/01/20	82-2020
20-32-5.1-17	Amended	16	07/01/20	155-2020
20-32-5.1-18.4	Added	4	07/01/20	82-2020
20-32-5.1-18.5	Amended	5	07/01/20	82-2020
20-32-5.1-18.8	Added	6	07/01/20	82-2020
20-33-2-10	Amended	75	03/18/20	92-2020
20-33-2-10	Amended	17	07/01/20	155-2020
20-33-2-28.5	Amended	7	04/01/20	147-2020
20-33-2-28.6	Amended	8	04/01/20	147-2020
20-33-2-47	Amended	76	03/18/20	92-2020
20-33-3-7	Amended	77	03/18/20	92-2020
20-33-3-8	Amended	78	03/18/20	92-2020
20-33-3	Repealed	9	04/01/20	147-2020
20-33-5-9	Amended	79	03/18/20	92-2020
20-33-5-9.5	Amended	80	03/18/20	92-2020
20-33-8-18	Amended	18	07/01/20	155-2020
20-33-8-31	Amended	4	07/01/20	133-2020
20-33-9-10.5	Amended	81	03/18/20	92-2020
20-34-3-17	Amended	56	07/01/20	112-2020
20-34-3-20	Amended	82	03/18/20	92-2020
20-34-3-21	Amended	2	07/01/20	69-2020
20-34-3-23	Amended	83	07/01/20	92-2020
20-34-4.5-0.6	Amended	84	03/18/20	92-2020
20-34-5-8	Amended	85	03/18/20	92-2020
20-34-7-1.6	Amended	86	03/18/20	92-2020
20-34-7-6	Amended	87	07/01/20	92-2020
20-34-7-7	Amended	88	07/01/20	92-2020
20-34-8-3	Amended	89	03/18/20	92-2020
20-34-8-5	Amended	90	03/18/20	92-2020
20-34-9-1	Amended	91	03/18/20	92-2020
20-34-9-1	Amended	79	07/01/20	156-2020
20-34-9-4	Amended	92	03/18/20	92-2020
20-34-9-5	Amended	93	03/18/20	92-2020
20-34-9-6	Amended	94	03/18/20	92-2020
20-34-9-7	Amended	95	03/18/20	92-2020
20-35-12-1	Amended	5	07/01/20	133-2020
20-35-12-12	Amended	80	07/01/20	156-2020
20-35-12-14	Amended	81	07/01/20	156-2020
20-37-2-8	Amended	10	04/01/20	147-2020
20-40-3-5	Amended	40	03/21/20	154-2020
20-40-20-6	Amended	41	03/21/20	154-2020

Affected Provisions	Type	SEC.	Effective	P.L.
20-43-4-6	Amended	19	07/01/20	155-2020
20-43-8-15	Amended	42	03/21/20	154-2020
20-46-1-8	Amended	43	03/21/20	154-2020
20-46-1-18	Amended	44	03/21/20	154-2020
20-46-7-12	Amended	63	07/01/20	159-2020
20-46-8-1	Amended	64	07/01/20	159-2020
20-46-8-3	Amended	65	07/01/20	159-2020
20-46-8-4	Repealed	66	07/01/20	159-2020
20-46-8-9	Amended	67	07/01/20	159-2020
20-46-8-10	Amended	68	07/01/20	159-2020
20-46-9-6	Amended	45	03/21/20	154-2020
20-47-6-4	Amended	96	03/18/20	92-2020
20-50-1-3	Amended	82	07/01/20	156-2020

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21-7-13-4	Repealed	97	03/18/20	92-2020
21-7-13-31.5	Added	98	03/18/20	92-2020
21-12-1.2-4	Added	10	07/01/20	14-2020
21-12-6-5	Amended	99	03/18/20	92-2020
21-12-8-9	Amended	100	03/18/20	92-2020
21-12-16-5	Amended	101	03/18/20	92-2020
21-13-2-1	Amended	102	03/18/20	92-2020
21-13-2-4	Amended	103	03/18/20	92-2020
21-13-7-1	Amended	104	03/18/20	92-2020
21-13-8-1	Amended	105	03/18/20	92-2020
21-14-9-0.3	Added	10	07/01/20	38-2020
21-14-9-0.5	Amended	11	07/01/20	38-2020
21-14-9-2	Amended	12	07/01/20	38-2020
21-16-1-7.5	Amended	1	07/01/20	37-2020
21-16-2-4	Amended	2	03/14/20	37-2020
21-18-12-1	Amended	106	03/18/20	92-2020
21-18-14-1	Repealed	3	07/01/20	37-2020
21-18-14-1.5	Added	4	07/01/20	37-2020
21-18-14-2	Repealed	5	07/01/20	37-2020
21-18-14-2.5	Added	6	07/01/20	37-2020
21-18-14-3	Amended	7	07/01/20	37-2020
21-18-14-4	Amended	8	07/01/20	37-2020
21-18-14-5	Amended	9	07/01/20	37-2020
21-18-14-6	Amended	10	07/01/20	37-2020
21-18-14-8	Repealed	11	07/01/20	37-2020
21-18-14-9	Repealed	12	06/30/20	37-2020
21-18-14-10	Added	13	07/01/20	37-2020

Affected Provisions	Type	SEC.	Effective	P.L.
21-38-6-1	Amended	18	01/01/21	133-2020
21-38-6-1	Amended	10	01/01/21	111-2020
21-44-7-8	Amended	14	07/01/20	37-2020

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22-1-1-4	Amended	11	04/01/20	147-2020
22-1-1-5	Amended	12	04/01/20	147-2020
22-1-1-23	Added	13	03/21/20	147-2020
22-1-7	Added	1	07/01/20	47-2020
22-2-2-4	Amended	14	04/01/20	147-2020
22-2-18	Added	15	04/01/20	147-2020
22-2-18.1	Added	16	04/01/20	147-2020
22-3-2-13	Amended	1	07/01/20	139-2020
22-3-3-7	Amended	2	07/01/20	139-2020
22-3-3-10	Amended	3	07/01/20	139-2020
22-3-4-3	Amended	4	07/01/20	139-2020
22-3-6-1	Amended	17	04/01/20	147-2020
22-3-7-9	Amended	18	04/01/20	147-2020
22-3-7-9.2	Amended	19	04/01/20	147-2020
22-3-7-16	Amended	5	07/01/20	139-2020
22-3-7-28	Amended	6	07/01/20	139-2020
22-3-7-36	Amended	7	07/01/20	139-2020
22-4-11-3	Amended	1	07/01/20	158-2020
22-4-11-3.5	Amended	2	07/01/20	158-2020
22-4-11-3.7	Added	3	07/01/20	158-2020
22-4-14-3	Amended	1	03/18/20	119-2020
22-4-17-6	Amended	2	07/01/20	119-2020
22-4.1-18-3	Amended	8	07/01/20	86-2020
22-4.1-25-1.5	Amended	107	03/18/20	92-2020
22-5-8	Added	1	07/01/20	20-2020
22-11-14-2	Amended	9	07/01/20	57-2020
22-13-2-8	Amended	83	07/01/20	156-2020
22-13-5-2	Amended	10	07/01/20	57-2020
22-14-7-22	Repealed	11	07/01/20	57-2020
22-14-7-27	Amended	12	07/01/20	57-2020
22-14-7-27	Amended	4	07/01/20	43-2020
22-14-7-27.5	Added	13	07/01/20	57-2020
22-15-3-3	Amended	1	07/01/20	87-2020
22-15-5-4	Amended	14	07/01/20	57-2020
22-15-5-16	Amended	23	07/01/20	142-2020
22-15-6-2	Amended	84	07/01/20	156-2020
22-15-6-4	Repealed	6	07/01/20	133-2020

Affected Provisions	Type	SEC.	Effective	P.L.
22-15-6-5	Amended	85	07/01/20	156-2020
22-15-6-6	Repealed	7	07/01/20	133-2020

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23-0.5-5-7	Amended	86	07/01/20	156-2020
23-2-2.5-3	Amended	1	07/01/20	152-2020
23-2-2.5-10.5	Amended	2	07/01/20	152-2020
23-2-2.5-13.1	Added	3	07/01/20	152-2020
23-2-2.5-18	Amended	4	07/01/20	152-2020
23-2-2.5-43	Amended	5	07/01/20	152-2020
23-2-4-11	Amended	6	07/01/20	152-2020
23-14-67-1	Amended	1	07/01/20	102-2020
23-14-68-1	Amended	2	07/01/20	102-2020
23-14-78	Added	3	07/01/20	102-2020
23-19-1-0.2	Amended	7	07/01/20	152-2020
23-19-6-5	Amended	8	07/01/20	152-2020
23-19-6-6	Amended	9	07/01/20	152-2020
23-19-6-8	Amended	10	07/01/20	152-2020

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24-3-5-4	Amended	22	07/01/20	49-2020
24-3-5-5	Amended	23	07/01/20	49-2020
24-3-5-8	Amended	24	07/01/20	49-2020
24-4-18-1	Amended	1	07/01/20	55-2020
24-4.4-1-101	Amended	1	07/01/20	129-2020
24-4.4-1-102	Amended	2	07/01/20	129-2020
24-4.4-2-402.3	Amended	3	07/01/20	129-2020
24-4.5-1-102	Amended	4	07/01/20	129-2020
24-4.5-1-106	Amended	1	03/18/20	85-2020
24-4.5-2-201	Amended	2	07/01/20	85-2020
24-4.5-2-203.5	Amended	5	07/01/19	129-2020
24-4.5-2-204	Amended	3	07/01/20	85-2020
24-4.5-2-205	Amended	4	07/01/20	85-2020
24-4.5-2-207	Repealed	5	07/01/20	85-2020
24-4.5-2-208	Amended	6	07/01/20	85-2020
24-4.5-2-209	Amended	7	07/01/20	85-2020
24-4.5-2-210	Amended	8	07/01/20	85-2020
24-4.5-2-602	Amended	9	07/01/20	85-2020
24-4.5-3-201	Amended	10	07/01/20	85-2020
24-4.5-3-203.5	Amended	6	07/01/19	129-2020

Affected Provisions	Type	SEC.	Effective	P.L.
24-4.5-3-204	Amended	11	07/01/20	85-2020
24-4.5-3-205	Amended	12	07/01/20	85-2020
24-4.5-3-206	Amended	13	07/01/20	85-2020
24-4.5-3-209	Amended	14	07/01/20	85-2020
24-4.5-3-210	Amended	15	07/01/20	85-2020
24-4.5-3-503.3	Amended	7	07/01/20	129-2020
24-4.5-3-508	Amended	16	07/01/20	85-2020
24-4.5-4-107	Amended	17	07/01/20	85-2020
24-4.5-7-413	Amended	8	07/01/20	129-2020
24-5-0.5-3	Amended	87	07/01/20	156-2020
24-5-0.5-4	Amended	88	07/01/20	156-2020
24-5-12-0.2	Added	1	01/01/20	105-2020
24-5-12-8	Amended	2	01/01/20	105-2020
24-5-12-9	Amended	3	01/01/20	105-2020
24-5-12-10	Amended	4	01/01/20	105-2020
24-5-12-12	Amended	5	01/01/20	105-2020
24-5-15.5-2	Amended	89	07/01/20	156-2020
24-5-24.7	Repealed	6	03/18/20	105-2020
24-5-26-1	Amended	24	07/01/20	142-2020
24-7-5-12	Amended	18	07/01/20	85-2020
24-7-5-12	Amended	69	07/01/20	159-2020
24-12-9-8	Amended	9	07/01/20	129-2020

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25-0.5-3-29	Amended	90	07/01/20	156-2020
25-0.5-4-22	Amended	91	07/01/20	156-2020
25-0.5-5-14	Amended	92	07/01/20	156-2020
25-0.5-6-13	Amended	93	07/01/20	156-2020
25-0.5-8-31	Amended	94	07/01/20	156-2020
25-0.5-9-33	Amended	95	07/01/20	156-2020
25-0.5-10-22	Amended	96	07/01/20	156-2020
25-0.5-11-13	Amended	97	07/01/20	156-2020
25-1-1.1-2	Amended	25	07/01/20	142-2020
25-1-1.1-3	Amended	26	07/01/20	142-2020
25-1-6.5-3	Amended	1	07/01/20	101-2020
25-1-9-23	Added	6	07/01/20	93-2020
25-1-9.3-8	Amended	8	07/01/20	114-2020
25-1-9.3-9	Amended	9	07/01/20	114-2020
25-1-9.5-2.2	Added	1	07/01/20	52-2020
25-1-9.5-2.8	Added	2	07/01/20	52-2020
25-1-9.5-4.5	Added	3	07/01/20	52-2020
25-1-9.5-8	Amended	4	07/01/20	52-2020

Affected Provisions	Type	SEC.	Effective	P.L.
25-1-9.5-13	Added	5	07/01/20	52-2020
25-1-9.7-2	Amended	98	07/01/20	156-2020
25-1-9.8	Added	7	07/01/20	93-2020
25-1-17-8	Amended	1	07/01/20	89-2020
25-5.1-2-4	Amended	2	07/01/20	101-2020
25-5.2-2-13	Amended	99	07/01/20	156-2020
25-11-1-3	Amended	11	07/01/20	152-2020
25-11-1-4	Amended	12	07/01/20	152-2020
25-11-1-8	Amended	13	07/01/20	152-2020
25-13-1-2	Amended	1	07/01/20	35-2020
25-13-1-10	Amended	2	07/01/20	35-2020
25-13-1-10.6	Amended	3	07/01/20	35-2020
25-13-1-10.7	Added	4	07/01/20	35-2020
25-13-1-11	Amended	5	07/01/20	35-2020
25-13-2-6	Amended	6	07/01/20	35-2020
25-13-2-7	Amended	7	07/01/20	35-2020
25-17.3-2-4	Amended	1	07/01/20	118-2020
25-17.3-4-1	Amended	2	07/01/20	118-2020
25-17.3-4-2	Amended	3	07/01/20	118-2020
25-17.3-4-4	Amended	4	07/01/20	118-2020
25-17.3-4-6	Amended	5	07/01/20	118-2020
25-17.3-4-7	Repealed	6	07/01/20	118-2020
25-17.3-5-2.5	Added	7	07/01/20	118-2020
25-17.3-5-3	Amended	8	07/01/20	118-2020
25-21.8-2-4	Amended	100	07/01/20	156-2020
25-22.5-5.5	Added	8	07/01/20	93-2020
25-22.5-17	Added	9	07/01/20	93-2020
25-23-1-1.1	Amended	101	07/01/20	156-2020
25-23-1-1.2	Amended	102	07/01/20	156-2020
25-23-1-2	Amended	8	07/01/20	131-2020
25-23-1-4	Amended	9	07/01/20	131-2020
25-23-1-11	Amended	103	07/01/20	156-2020
25-23-1-12	Amended	104	07/01/20	156-2020
25-23-1-19.4	Amended	8	07/01/20	127-2020
25-23-1-27	Amended	105	07/01/20	156-2020
25-23.5-2-4	Amended	3	07/01/20	101-2020
25-23.5-2-4	Amended	106	07/01/20	156-2020
25-23.6-1-5.7	Amended	27	07/01/20	142-2020
25-23.6-10.5-1	Amended	28	07/01/20	142-2020
25-23.6-10.5-1.5	Amended	29	07/01/20	142-2020
25-23.6-10.5-2	Amended	30	07/01/20	142-2020
25-23.6-10.5-2.5	Amended	31	07/01/20	142-2020
25-24-1-4.5	Added	6	07/01/20	52-2020

Affected Provisions	Type	SEC.	Effective	P.L.
25-24-1-4.7	Added	7	07/01/20	52-2020
25-24-1-5.5	Added	8	07/01/20	52-2020
25-25-2-1	Amended	16	07/01/20	42-2020
25-26-13-10	Amended	4	07/01/20	101-2020
25-26-13-16	Amended	1	03/14/20	28-2020
25-26-13-16	Amended	10	03/18/20	114-2020
25-26-13-24.8	Amended	11	07/01/20	114-2020
25-26-13-25.3	Amended	12	07/01/20	114-2020
25-26-13-31	Amended	13	07/01/20	114-2020
25-26-13-31.7	Added	14	07/01/20	114-2020
25-26-21-6	Amended	5	07/01/20	101-2020
25-26-21-6.5	Added	6	07/01/20	101-2020
25-27-1-1	Amended	107	07/01/20	156-2020
25-27-1-4	Amended	7	07/01/20	101-2020
25-27-1-8	Amended	108	07/01/20	156-2020
25-27.5-6-2	Amended	8	07/01/20	101-2020
25-34.1-3-4.1	Amended	1	07/01/20	32-2020
25-34.1-3-4.5	Added	2	07/01/20	32-2020
25-35.6-1-8.6	Amended	109	07/01/20	156-2020

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None

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27-1-2.2	Added	1	07/01/20	136-2020
27-1-12-2	Amended	2	07/01/20	130-2020
27-1-12.1-9	Amended	3	07/01/20	130-2020
27-1-13-3	Amended	4	07/01/20	130-2020
27-1-15.6-13.5	Added	4	07/01/20	50-2020
27-1-24.5-22.5	Added	15	07/01/20	114-2020
27-1-24.5-27.5	Added	16	07/01/20	114-2020
27-1-24.5	Added	1	07/01/20	68-2020
27-1-24.8	Repealed	2	07/01/20	68-2020
27-1-25-7	Amended	5	07/01/20	130-2020
27-1-28-15	Amended	6	07/01/20	130-2020
27-1-28-16	Amended	7	07/01/20	130-2020
27-1-28-19	Amended	8	07/01/20	130-2020
27-1-34-1.5	Added	9	07/01/20	130-2020
27-1-37-7	Added	5	07/01/20	50-2020
27-1-37-7	Amended	10	07/01/20	93-2020
27-1-44.5	Added	6	03/18/20	50-2020

Affected Provisions	Type	SEC.	Effective	P.L.
27-1-45	Added	11	07/01/20	93-2020
27-1-46	Added	12	07/01/20	93-2020
27-2-9.1	Added	17	01/01/21	114-2020
27-2-25	Added	13	07/01/20	93-2020
27-2-27	Added	10	07/01/20	130-2020
27-4-1-4	Amended	7	07/01/20	50-2020
27-6-10	Repealed	11	07/01/20	130-2020
27-6-10.1	Added	12	07/01/20	130-2020
27-7-2-4.5	Added	1	07/01/20	72-2020
27-7-5-2	Amended	13	07/01/20	130-2020
27-8-3-6	Amended	17	07/01/20	42-2020
27-8-3-26	Amended	18	07/01/20	42-2020
27-8-5-15.8	Added	4	07/01/20	103-2020
27-8-5-26	Amended	2	07/01/20	67-2020
27-8-5-31	Repealed	18	07/01/20	114-2020
27-8-5-31.5	Added	19	07/01/20	114-2020
27-8-5.8-5	Added	11	07/01/20	111-2020
27-8-5.8-6	Added	12	07/01/20	111-2020
27-8-6-8	Added	4	07/01/20	115-2020
27-8-11-12	Amended	20	07/01/20	114-2020
27-8-11-13	Added	8	01/01/21	50-2020
27-8-13-9.5	Amended	110	07/01/20	156-2020
27-8-14.8-3	Amended	2	07/01/20	36-2020
27-8-27-6	Amended	19	01/01/21	133-2020
27-8-27-6	Amended	13	01/01/21	111-2020
27-8-35.5-6	Amended	111	07/01/20	156-2020
27-8-37	Added	14	07/01/20	130-2020
27-13-4-1	Amended	15	07/01/20	130-2020
27-13-7-14	Amended	3	07/01/20	67-2020
27-13-7-14.2	Added	5	07/01/20	103-2020
27-13-7-17	Amended	3	07/01/20	36-2020
27-13-7-26	Added	16	07/01/20	130-2020
27-13-7-27	Added	5	07/01/20	115-2020
27-13-9-6	Added	14	07/01/20	111-2020
27-13-9-7	Added	15	07/01/20	111-2020
27-13-15-6	Amended	21	07/01/20	114-2020
27-13-43-4	Added	9	01/01/21	50-2020

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28-1-29-6	Amended	10	07/01/20	129-2020
28-7-1-0.5	Amended	11	07/01/20	129-2020
28-7-1-9	Amended	12	07/01/20	129-2020

Affected Provisions	Type	SEC.	Effective	P.L.
28-7-1-17	Amended	13	07/01/20	129-2020
28-7-1-17.1	Repealed	14	07/01/20	129-2020
28-7-1-17.2	Amended	15	07/01/20	129-2020
28-7-5-5.5	Amended	16	07/01/20	129-2020
28-7-5-10	Amended	17	07/01/20	129-2020
28-7-5-20	Amended	18	07/01/20	129-2020
28-8-4-15	Amended	19	07/01/20	129-2020
28-8-4-19.5	Amended	20	07/01/20	129-2020
28-8-4-27	Amended	21	07/01/20	129-2020
28-8-5-15	Amended	22	07/01/20	129-2020
28-10-1-1	Amended	23	07/01/20	129-2020

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29-1-2-1	Amended	32	07/01/20	142-2020
29-1-7-23	Amended	2	07/01/20	56-2020
29-1-7-24	Amended	3	07/01/20	56-2020
29-1-8-1	Amended	4	07/01/20	56-2020
29-1-8-3	Amended	5	07/01/20	56-2020
29-1-8-4	Amended	6	07/01/20	56-2020
29-1-17-12	Amended	16	07/01/20	81-2020
29-2-16.1-1	Amended	2	07/01/20	11-2020
29-2-16.1-4	Amended	3	07/01/20	11-2020
29-2-16.1-19	Amended	4	07/01/20	11-2020
29-3-1-15.5	Amended	1	07/01/20	4-2020
29-3-1-16	Repealed	2	07/01/20	4-2020
29-3-1-17	Amended	3	07/01/20	4-2020
29-3-1-18	Repealed	4	07/01/20	4-2020
29-3-7-7	Amended	33	07/01/20	142-2020
29-3-8.5-1	Amended	5	07/01/20	4-2020
29-3-8.5-2	Amended	6	07/01/20	4-2020
29-3-8.5-3	Amended	7	07/01/20	4-2020
29-3-8.5-4	Amended	8	07/01/20	4-2020
29-3-8.5-5	Amended	9	07/01/20	4-2020
29-3-8.5-6	Amended	10	07/01/20	4-2020
29-3-8.5-7	Amended	11	07/01/20	4-2020
29-3-8.5-8	Amended	12	07/01/20	4-2020
29-3-8.5-9	Repealed	13	07/01/20	4-2020
29-3-8.5-9.5	Amended	14	07/01/20	4-2020
29-3-8.5-10	Amended	15	07/01/20	4-2020
29-3-8.5-11	Amended	16	07/01/20	4-2020
29-3-8.5-12	Amended	17	07/01/20	4-2020
29-3-9-2	Amended	18	07/01/20	4-2020

Affected Provisions	Type	SEC.	Effective	P.L.
29-3-9-7	Amended	7	07/01/20	56-2020

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30-4-1.5-4	Amended	8	07/01/20	56-2020
30-4-2-1	Amended	9	07/01/20	56-2020
30-4-3-6	Amended	10	07/01/20	56-2020
30-4-3-37	Amended	17	07/01/20	81-2020
30-4-5-14.5	Amended	11	07/01/20	56-2020
30-4-8-1	Amended	12	07/01/20	56-2020
30-4-8-8	Amended	13	07/01/20	56-2020
30-4-8-16	Amended	14	07/01/20	56-2020
30-4-9-2	Amended	112	07/01/20	156-2020

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31-9-2-7	Amended	1	07/01/20	94-2020
31-9-2-84.8	Amended	34	07/01/20	142-2020
31-9-2-133.1	Amended	2	07/01/20	94-2020
31-11-1-4	Amended	3	07/01/20	94-2020
31-11-1-5	Amended	4	07/01/20	94-2020
31-11-1-6	Repealed	5	07/01/20	94-2020
31-11-1-7	Added	6	07/01/20	94-2020
31-11-2	Repealed	7	07/01/20	94-2020
31-11-4-4	Amended	57	07/01/20	112-2020
31-11-4-5	Amended	58	07/01/20	112-2020
31-11-4-6	Amended	8	07/01/20	94-2020
31-11-4-8	Repealed	9	07/01/20	94-2020
31-11-8-6	Amended	10	07/01/20	94-2020
31-11-11-2	Repealed	11	07/01/20	94-2020
31-17-2.2-1	Amended	1	03/21/20	162-2020
31-19-9-8	Amended	35	07/01/20	142-2020
31-19-9-9	Amended	36	07/01/20	142-2020
31-19-9-10	Amended	37	07/01/20	142-2020
31-19-11-1	Amended	38	07/01/20	142-2020
31-25-2-25	Amended	113	07/01/20	156-2020
31-26-3.5-2.5	Amended	114	07/01/20	156-2020
31-30-1-2.5	Amended	39	07/01/20	142-2020
31-32-3-12	Amended	115	07/01/20	156-2020
31-33-18-2	Amended	59	07/01/20	112-2020
31-34-1-2	Amended	40	07/01/20	142-2020
31-34-1-3	Amended	41	07/01/20	142-2020
31-34-1-3.5	Amended	42	07/01/20	142-2020

Affected Provisions	Type	SEC.	Effective	P.L.
31-34-4-2	Amended	43	07/01/20	142-2020
31-34-4-7	Amended	116	07/01/20	156-2020
31-34-20-1.5	Amended	44	07/01/20	142-2020
31-34-20-2	Amended	117	07/01/20	156-2020
31-34-20-5	Amended	13	07/01/20	38-2020
31-34-20-6	Amended	12	07/01/20	94-2020
31-34-21-5	Amended	118	07/01/20	156-2020
31-34-21-7.5	Amended	45	07/01/20	142-2020
31-34-21-7.5	Amended	119	07/01/20	156-2020
31-35-2-4.5	Amended	120	07/01/20	156-2020
31-37-5-8	Amended	121	07/01/20	156-2020
31-37-13-5	Amended	46	07/01/20	142-2020
31-37-18-9	Amended	122	07/01/20	156-2020
31-37-19-6.5	Amended	47	07/01/20	142-2020
31-37-19-26	Amended	14	07/01/20	38-2020
31-37-19-27	Amended	13	07/01/20	94-2020
31-37-22-11	Amended	48	07/01/20	142-2020
31-39-8-3	Amended	49	07/01/20	142-2020

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32-17-13-7	Amended	15	07/01/20	56-2020
32-21-2-3	Amended	1	07/01/20	80-2020
32-24-1-6	Amended	2	07/01/20	80-2020
32-24-1-8	Amended	3	07/01/20	80-2020
32-24-2-6	Amended	4	07/01/20	80-2020
32-24-2-8	Amended	5	07/01/20	80-2020
32-24-2-10	Amended	6	07/01/20	80-2020
32-24-2-11	Amended	7	07/01/20	80-2020
32-24-4.5-11	Amended	8	07/01/20	80-2020
32-28-3-1	Amended	18	07/01/20	81-2020
32-28-3-5	Amended	19	07/01/20	81-2020
32-28-3-16	Amended	20	07/01/20	81-2020
32-28-3-18	Amended	21	07/01/20	81-2020
32-30-8-1	Amended	50	07/01/20	142-2020
32-34-1-1	Amended	22	07/01/20	81-2020

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33-23-5-5	Repealed	2	07/01/20	162-2020
33-23-5-8.5	Added	3	07/01/20	162-2020
33-23-5-9	Repealed	4	07/01/20	162-2020
33-23-6-2	Amended	51	07/01/20	142-2020

Affected Provisions	Type	SEC.	Effective	P.L.
33-23-8-4	Amended	52	07/01/20	142-2020
33-23-17	Repealed	5	07/01/20	162-2020
33-24-6-3	Amended	53	07/01/20	142-2020
33-24-6-3	Amended	6	07/01/20	162-2020
33-24-6-14	Added	54	07/01/20	142-2020
33-28-3-4	Amended	7	07/01/20	162-2020
33-29-2-4	Amended	8	07/01/20	162-2020
33-31-2-3	Amended	9	07/01/20	162-2020
33-32-2-4	Amended	1	07/01/20	7-2020
33-33-10-1.1	Added	2	07/01/21	138-2020
33-33-10-2.5	Amended	3	07/01/21	138-2020
33-33-10-2.7	Added	4	07/01/21	138-2020
33-33-10-2.8	Added	5	07/01/21	138-2020
33-33-10-3.1	Added	6	07/01/21	138-2020
33-33-10-4.1	Added	7	07/01/21	138-2020
33-33-10-5.1	Added	8	07/01/21	138-2020
33-33-10-6.1	Added	9	07/01/21	138-2020
33-33-10-7.1	Added	10	07/01/21	138-2020
33-33-10-8.1	Added	11	07/01/21	138-2020
33-33-10-9.1	Added	12	07/01/21	138-2020
33-33-10-10.1	Added	13	07/01/21	138-2020
33-33-10-11.1	Added	14	07/01/21	138-2020
33-33-10-12.1	Added	15	07/01/21	138-2020
33-33-10-15.3	Added	16	07/01/21	138-2020
33-33-18-2	Amended	17	07/01/21	138-2020
33-33-18-2.1	Added	18	07/01/21	138-2020
33-33-20-4	Amended	2	07/01/20	7-2020
33-33-26-1	Amended	19	07/01/21	138-2020
33-33-29-6	Amended	20	07/01/21	138-2020
33-33-40-1	Amended	21	07/01/21	138-2020
33-33-49-14	Amended	10	07/01/20	162-2020
33-33-49-16	Amended	11	07/01/20	162-2020
33-33-49-17	Amended	12	07/01/20	162-2020
33-33-50-2	Amended	22	07/01/21	138-2020
33-33-50-3	Amended	23	07/01/21	138-2020
33-37-5-18	Amended	123	07/01/20	156-2020
33-37-7-2	Amended	124	07/01/20	156-2020
33-38-9-6	Amended	1	03/14/20	34-2020
33-38-9-11	Repealed	125	07/01/20	156-2020
33-38-9.5-2	Amended	2	03/14/20	34-2020
33-38-9.5-2	Amended	3	03/14/20	48-2020
33-38-9.5-3	Amended	3	03/14/20	34-2020
33-38-9.5-3	Amended	4	03/14/20	48-2020

Affected Provisions	Type	SEC.	Effective	P.L.
Title 34				
34-6-2-121.7	Added	2	07/01/20	55-2020
34-24-1-1	Amended	55	07/01/20	142-2020
34-26-5-2	Amended	126	07/01/20	156-2020
34-26-7.5-1	Amended	3	07/01/20	55-2020
34-26-7.5-2	Amended	4	07/01/20	55-2020
34-26-7.5-3	Amended	5	07/01/20	55-2020
34-26-7.5-5	Amended	6	07/01/20	55-2020
34-26-7.5-6	Amended	7	07/01/20	55-2020
34-26-7.5-7	Amended	8	07/01/20	55-2020
34-28-5-1	Amended	9	07/01/20	110-2020
34-28-5-4	Amended	10	07/01/20	110-2020
34-28-5-8	Amended	11	07/01/20	110-2020
34-28-5-9	Amended	12	07/01/20	110-2020
34-28-6-1	Amended	60	01/01/21	164-2020
34-30-2-24.2	Amended	13	07/01/20	133-2020
34-30-2-24.2	Amended	10	07/01/20	73-2020
34-30-2-24.2	Amended	23	07/01/20	81-2020
34-30-2-25.5	Amended	4	02/17/20	163-2020
34-30-2-56.7	Added	4	07/01/20	104-2020
34-30-2-68	Amended	3	07/01/20	113-2020
34-30-2-70.5	Added	2	07/01/20	3-2020
34-30-2-80	Amended	60	07/01/20	112-2020
34-30-2-81	Amended	61	07/01/20	112-2020
34-30-2-81.5	Amended	62	07/01/20	112-2020
34-30-2-82	Amended	64	07/01/20	112-2020
34-30-2-83.6	Added	22	07/01/20	114-2020
34-30-2-83.9	Added	63	07/01/20	112-2020
34-30-2-123.2	Added	5	07/01/20	11-2020
34-30-2-125.5	Amended	19	07/01/20	4-2020
34-30-14-2	Amended	11	01/01/21	133-2020
34-30-14-7	Amended	108	07/01/20	92-2020
34-30-19.5	Added	61	07/01/20	164-2020
34-30-31.5	Added	17	07/01/20	148-2020
34-31-10-6	Amended	109	03/18/20	92-2020
34-46-2-4	Amended	127	07/01/20	156-2020
34-46-2-9	Amended	65	07/01/20	112-2020
34-46-2-10	Amended	66	07/01/20	112-2020
Title 35				
35-31.5-2-3	Amended	1	03/18/20	62-2020

Affected Provisions	Type	SEC.	Effective	P.L.
35-31.5-2-40.5	Added	2	03/18/20	62-2020
35-31.5-2-87.1	Added	3	03/18/20	62-2020
35-31.5-2-87.5	Repealed	4	03/18/20	62-2020
35-31.5-2-90.5	Added	5	03/18/20	62-2020
35-31.5-2-91	Amended	56	07/01/20	142-2020
35-31.5-2-100	Amended	25	07/01/20	49-2020
35-31.5-2-107.5	Added	26	07/01/20	49-2020
35-31.5-2-132.7	Added	1	07/01/20	151-2020
35-31.5-2-144	Amended	20	07/01/20	155-2020
35-31.5-2-171.5	Added	1	07/01/20	61-2020
35-31.5-2-185	Amended	1	07/01/20	58-2020
35-31.5-2-235.2	Added	1	07/01/20	70-2020
35-31.5-2-255.5	Added	2	07/01/20	58-2020
35-31.5-2-257.5	Added	2	07/01/20	151-2020
35-31.5-2-273.4	Added	3	07/01/20	58-2020
35-31.5-2-290.5	Added	2	07/01/20	70-2020
35-31.5-2-294	Amended	57	07/01/20	142-2020
35-31.5-2-312.5	Added	4	07/01/20	58-2020
35-31.5-2-321	Amended	2	07/01/20	61-2020
35-31.5-2-348	Amended	5	07/01/20	58-2020
35-33-5-4	Amended	128	07/01/20	156-2020
35-33-5-7	Amended	1	07/01/20	63-2020
35-33-7-6	Amended	1	07/01/20	140-2020
35-33-7-6.5	Added	2	07/01/20	140-2020
35-33-8-12	Added	24	07/01/20	138-2020
35-37-4-6	Amended	58	07/01/20	142-2020
35-37-4-8	Amended	59	07/01/20	142-2020
35-38-1-7.5	Amended	60	07/01/20	142-2020
35-38-2.6-5	Amended	1	07/01/20	106-2020
35-38-3-3	Amended	129	07/01/20	156-2020
35-38-9-2	Amended	9	03/18/20	55-2020
35-38-9-9.5	Added	10	07/01/20	55-2020
35-38-9-10	Amended	11	07/01/20	55-2020
35-38-10-1	Amended	61	07/01/20	142-2020
35-40-5-3	Amended	6	03/18/20	62-2020
35-40-5-11	Repealed	7	03/18/20	62-2020
35-40-5-11.5	Added	8	03/18/20	62-2020
35-40-14-1	Amended	62	07/01/20	142-2020
35-40.5-4-2	Amended	14	07/01/20	133-2020
35-40.5-5-1	Amended	15	07/01/20	133-2020
35-40.5-7-1	Amended	16	07/01/20	133-2020
35-40.5	Added	6	07/01/20	58-2020
35-41-4-2	Amended	2	07/01/20	31-2020

Affected Provisions	Type	SEC.	Effective	P.L.
35-42-2-1	Amended	63	07/01/20	142-2020
35-42-2-1.3	Amended	64	07/01/20	142-2020
35-42-2-9	Amended	65	07/01/20	142-2020
35-42-4-10	Amended	130	07/01/20	156-2020
35-42-4-11	Amended	66	07/01/20	142-2020
35-42-4-14	Amended	67	07/01/20	142-2020
35-43-2-2.1	Added	68	07/01/20	142-2020
35-43-5-3.8	Amended	27	07/01/20	49-2020
35-43-6-13	Amended	69	07/01/20	142-2020
35-44.1-2-3	Amended	70	07/01/20	142-2020
35-44.1-3-1	Amended	20	07/01/20	133-2020
35-44.1-3-1	Amended	1	07/01/20	95-2020
35-44.1-3-1	Amended	4	07/01/20	116-2020
35-45-4-1	Amended	71	07/01/20	142-2020
35-45-4-5	Amended	72	07/01/20	142-2020
35-45-13-7	Amended	131	07/01/20	156-2020
35-45-17-0.5	Added	3	07/01/20	151-2020
35-45-17-1.5	Added	4	07/01/20	151-2020
35-45-17-2	Amended	5	07/01/20	151-2020
35-46-1-1	Amended	28	07/01/20	49-2020
35-46-1-1.4	Added	29	07/01/20	49-2020
35-46-1-10	Amended	30	07/01/20	49-2020
35-46-1-10.2	Amended	31	07/01/20	49-2020
35-46-1-10.5	Amended	32	07/01/20	49-2020
35-46-1-11	Amended	33	07/01/20	49-2020
35-46-1-11.2	Amended	34	07/01/20	49-2020
35-46-1-11.4	Added	35	07/01/20	49-2020
35-46-1-11.5	Amended	36	07/01/20	49-2020
35-46-1-11.7	Amended	37	07/01/20	49-2020
35-46-1-11.8	Amended	38	07/01/20	49-2020
35-46-1-11.9	Added	39	07/01/20	49-2020
35-46-1-12	Amended	3	07/01/20	70-2020
35-46.5-2-7	Amended	132	07/01/20	156-2020
35-47-2-18	Amended	73	07/01/20	142-2020
35-47-4-5	Amended	74	07/01/20	142-2020
35-47-4-9	Added	75	07/01/20	142-2020
35-47-14-2	Amended	76	07/01/20	142-2020
35-47-14-3	Amended	77	07/01/20	142-2020
35-47-14-6	Amended	78	07/01/20	142-2020
35-47-14-8	Amended	79	07/01/20	142-2020
35-48-1-16.5	Amended	80	07/01/20	142-2020
35-48-1-17.4	Added	3	07/01/20	61-2020
35-48-1-20	Amended	4	07/01/20	61-2020

Affected Provisions	Type	SEC.	Effective	P.L.
35-48-1-21	Amended	5	07/01/20	61-2020
35-48-2-4	Amended	6	07/01/20	61-2020
35-48-2-6	Amended	7	07/01/20	61-2020
35-48-2-12	Amended	8	07/01/20	61-2020
35-48-3-5	Amended	9	07/01/20	101-2020
35-48-4-0.5	Amended	133	07/01/20	156-2020
35-48-4-2	Amended	9	07/01/20	61-2020
35-48-4-7	Amended	10	07/01/20	61-2020
35-48-4-10.1	Amended	81	07/01/20	142-2020
35-48-4-12	Amended	82	07/01/20	142-2020
35-48-4-12	Amended	134	07/01/20	156-2020
35-48-4-15	Repealed	13	07/01/20	110-2020
35-50-1-2	Amended	83	07/01/20	142-2020
35-50-2-1	Amended	84	07/01/20	142-2020
35-50-2-2.2	Amended	85	07/01/20	142-2020
35-50-2-14	Amended	86	07/01/20	142-2020
35-50-6-0.5	Amended	2	07/01/20	106-2020
35-50-6-3.1	Amended	87	07/01/20	142-2020
35-50-6-3.1	Amended	3	07/01/20	106-2020
35-50-6-3.3	Amended	88	07/01/20	142-2020
35-50-6-3.3	Amended	4	07/01/20	106-2020
35-52-6-45	Repealed	62	01/01/21	164-2020
35-52-9-7.6	Added	63	01/01/21	164-2020
35-52-9-11.3	Added	5	07/01/20	116-2020
35-52-9-14.6	Added	6	07/01/20	116-2020
35-52-16-9.7	Added	29	07/01/20	45-2020
35-52-16-51	Repealed	8	07/01/20	133-2020
35-52-16-55	Repealed	9	07/01/20	133-2020
35-52-31-2	Repealed	14	07/01/20	94-2020

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36-1-1.5-2	Amended	1	03/21/20	143-2020
36-1-1.5-9	Amended	2	03/21/20	143-2020
36-1-1.5-15	Added	3	03/21/20	143-2020
36-1-7-1	Amended	1	07/01/20	26-2020
36-1-7-4	Amended	2	07/01/20	26-2020
36-1-7-15	Amended	3	07/01/20	26-2020
36-1-8-17.5	Amended	70	07/01/20	159-2020
36-1-8.5-3	Amended	10	07/01/20	133-2020
36-1-8.5-5.5	Repealed	71	07/01/20	159-2020
36-1-8.5-7	Amended	72	07/01/20	159-2020
36-1-8.5-9	Amended	73	07/01/20	159-2020

Affected Provisions	Type	SEC.	Effective	P.L.
36-1-8.5-10	Amended	135	07/01/20	156-2020
36-1-8.5-11	Amended	74	07/01/20	159-2020
36-1-9.5-48	Amended	89	07/01/20	142-2020
36-1-11-10.5	Added	1	07/01/20	65-2020
36-1-11-16	Amended	75	07/01/20	159-2020
36-1-29	Added	64	07/01/20	164-2020
36-1.5-3-5	Amended	76	07/01/20	159-2020
36-1.5-4-40.5	Amended	77	07/01/20	159-2020
36-2-4-8	Amended	136	07/01/20	156-2020
36-2-5-3.7	Amended	137	07/01/20	156-2020
36-2-9-20	Amended	78	07/01/20	159-2020
36-4-3-4	Amended	8	03/21/20	160-2020
36-4-3-5.1	Amended	9	03/21/20	160-2020
36-4-3-15.3	Amended	138	07/01/20	156-2020
36-6-6-16	Amended	79	01/01/20	159-2020
36-6-6-17	Added	80	07/01/20	159-2020
36-7-4-208	Amended	1	07/01/20	53-2020
36-7-4-220	Amended	2	07/01/20	53-2020
36-7-4-1019	Amended	1	07/01/20	134-2020
36-7-4-1103	Amended	46	07/01/20	154-2020
36-7-4-1103	Amended	65	07/01/20	164-2020
36-7-4-1603	Amended	3	03/18/20	71-2020
36-7-4-1606	Amended	4	03/18/20	71-2020
36-7-7.7	Added	1	03/18/20	83-2020
36-7-9-13	Amended	81	07/01/20	159-2020
36-7-14-0.5	Amended	47	07/01/20	154-2020
36-7-14-39	Amended	139	07/01/20	156-2020
36-7-14-53	Amended	48	03/21/20	154-2020
36-7-15.1-26	Amended	140	07/01/20	156-2020
36-7-15.1-35.5	Amended	4	07/01/20	17-2020
36-7-15.1-53	Amended	141	07/01/20	156-2020
36-7-15.6-23	Added	82	03/01/20	159-2020
36-7-30-25	Amended	142	07/01/20	156-2020
36-7-30.5-30	Amended	143	07/01/20	156-2020
36-7-32-4	Amended	144	07/01/20	156-2020
36-7-32-8	Amended	49	07/01/20	154-2020
36-7-32-8.5	Amended	50	07/01/20	154-2020
36-7-38-1	Amended	4	07/01/20	26-2020
36-7-38-2	Amended	5	07/01/20	26-2020
36-7-38-4.5	Added	6	07/01/20	26-2020
36-7-38-12	Amended	7	07/01/20	26-2020
36-7.5-2-3	Amended	1	03/21/20	144-2020
36-7.5-2-4	Amended	2	03/21/20	144-2020

Affected Provisions	Type	SEC.	Effective	P.L.
36-7.5-2-6	Amended	3	03/21/20	144-2020
36-7.5-4-2	Amended	145	07/01/20	156-2020
36-7.6-2-11	Amended	4	07/01/20	144-2020
36-7.7	Added	2	03/18/20	83-2020
36-8-2.1-1	Repealed	1	07/01/20	33-2020
36-8-2.1-1.1	Added	2	07/01/20	33-2020
36-8-2.1-2.1	Added	3	07/01/20	33-2020
36-8-2.1-2.2	Added	4	07/01/20	33-2020
36-8-2.1-3.1	Added	5	07/01/20	33-2020
36-8-2.1-4	Amended	6	07/01/20	33-2020
36-8-2.1-5	Amended	7	07/01/20	33-2020
36-8-2.1-6	Amended	8	07/01/20	33-2020
36-8-2.1-7	Amended	9	07/01/20	33-2020
36-8-2.1-8	Amended	10	07/01/20	33-2020
36-8-2.1-9	Amended	11	07/01/20	33-2020
36-8-2.1-10	Amended	12	07/01/20	33-2020
36-8-2.1-11	Amended	13	07/01/20	33-2020
36-8-2.2-2	Amended	14	07/01/20	33-2020
36-8-4-5	Amended	1	07/01/20	66-2020
36-8-4-6.5	Amended	1	03/18/20	117-2020
36-8-6-20	Amended	9	07/01/20	99-2020
36-8-7-22	Amended	146	07/01/20	156-2020
36-8-7-26	Amended	10	07/01/20	99-2020
36-8-7.5-22	Amended	11	07/01/20	99-2020
36-8-8-7	Amended	8	07/01/20	96-2020
36-8-8-12.5	Amended	1	07/01/20	54-2020
36-8-8-13.1	Amended	2	07/01/20	54-2020
36-8-8-14.2	Added	83	07/01/20	159-2020
36-8-8-20	Amended	12	07/01/20	99-2020
36-8-8.3	Added	3	07/01/20	54-2020
36-8-8.5-0.1	Added	3	07/01/20	145-2020
36-8-8.5-14	Amended	4	07/01/20	145-2020
36-8-8.5-14	Amended	147	07/01/20	156-2020
36-8-8.5-15	Amended	5	07/01/20	145-2020
36-8-10.5-11	Added	2	07/01/20	72-2020
36-8-10.5-12	Added	3	07/01/20	72-2020
36-8-10.7	Added	1	07/01/20	22-2020
36-8-12-6	Amended	9	07/01/20	96-2020
36-8-16.6-11	Amended	2	03/18/20	117-2020
36-8-16.7-22	Amended	3	03/18/20	117-2020
36-8-16.7-32	Amended	4	03/18/20	117-2020
36-8-17-7	Amended	15	07/01/20	57-2020
36-9-22-2	Amended	148	07/01/20	156-2020

Affected Provisions	Type	SEC.	Effective	P.L.
36-9-25-11.3	Amended	10	03/21/20	160-2020
36-9-25-14	Amended	149	07/01/20	156-2020
36-10-3-4.2	Amended	150	07/01/20	156-2020
36-10-4-21	Amended	151	07/01/20	156-2020
36-12-1-14	Added	5	07/01/20	88-2020
36-12-2-25	Amended	6	07/01/20	88-2020
36-12-3-12	Amended	84	07/01/20	159-2020
36-12-7-3	Amended	7	07/01/20	88-2020

[1] P.L.93-2020, SECTION 5 amended IC 16-21-24.5-2, as added by P.L.50-2020, SECTION 3. This citation in P.L.93-2020, SECTION 5 contained a typographical error. The citation of the amended section should have been IC 16-24.5-1-2 and is placed at this location in the Indiana Code.

2020
Second Regular Session of the 121st General Assembly

PUBLIC LAW NUMBER TO ENROLLED ACT NUMBER TABLE

prepared by
OFFICE OF CODE REVISION LEGISLATIVE SERVICES AGENCY
200 West Washington Street, Suite 301

Public Law Number	Enrolled Act Number	Public Law Number	Enrolled Act Number
2020 Bills		P.L.26-2020	HEA 1370
P.L.1-2020	HEA 1007	P.L.27-2020	HEA 1403
P.L.2-2020	SEA 2	P.L.28-2020	SEA 21
P.L.3-2020	SEA 61	P.L.29-2020	SEA 39
P.L.4-2020	SEA 139	P.L.30-2020	SEA 78
P.L.5-2020	SEA 180	P.L.31-2020	SEA 109
P.L.6-2020	SEA 181	P.L.32-2020	SEA 358
P.L.7-2020	SEA 187	P.L.33-2020	HEA 1015
P.L.8-2020	SEA 197	P.L.34-2020	HEA 1047
P.L.9-2020	SEA 238	P.L.35-2020	HEA 1067
P.L.10-2020	SEA 255	P.L.36-2020	HEA 1080
P.L.11-2020	SEA 288	P.L.37-2020	HEA 1082
P.L.12-2020	SEA 307	P.L.38-2020	HEA 1091
P.L.13-2020	SEA 366	P.L.39-2020	HEA 1093
P.L.14-2020	HEA 1009	P.L.40-2020	HEA 1094
P.L.15-2020	HEA 1081	P.L.41-2020	HEA 1151
P.L.16-2020	HEA 1095	P.L.42-2020	HEA 1173
P.L.17-2020	HEA 1104	P.L.43-2020	HEA 1174
P.L.18-2020	HEA 1112	P.L.44-2020	HEA 1199
P.L.19-2020	HEA 1129	P.L.45-2020	HEA 1210
P.L.20-2020	HEA 1143	P.L.46-2020	HEA 1218
P.L.21-2020	HEA 1166	P.L.47-2020	HEA 1301
P.L.22-2020	HEA 1189	P.L.48-2020	HEA 1346
P.L.23-2020	HEA 1224	P.L.49-2020	SEA 1
P.L.24-2020	HEA 1288	P.L.50-2020	SEA 5
P.L.25-2020	HEA 1334	P.L.51-2020	SEA 10

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P.L.52-2020	SEA 19	P.L.93-2020	HEA 1004
P.L.53-2020	SEA 20	P.L.94-2020	HEA 1006
P.L.54-2020	SEA 25	P.L.95-2020	HEA 1032
P.L.55-2020	SEA 47	P.L.96-2020	HEA 1043
P.L.56-2020	SEA 50	P.L.97-2020	HEA 1045
P.L.57-2020	SEA 132	P.L.98-2020	HEA 1059
P.L.58-2020	SEA 146	P.L.99-2020	HEA 1063
P.L.59-2020	SEA 177	P.L.100-2020	HEA 1070
P.L.60-2020	SEA 190	P.L.101-2020	HEA 1077
P.L.61-2020	SEA 194	P.L.102-2020	HEA 1090
P.L.62-2020	SEA 206	P.L.103-2020	HEA 1092
P.L.63-2020	SEA 209	P.L.104-2020	HEA 1099
P.L.64-2020	SEA 216	P.L.105-2020	HEA 1109
P.L.65-2020	SEA 230	P.L.106-2020	HEA 1120
P.L.66-2020	SEA 237	P.L.107-2020	HEA 1147
P.L.67-2020	SEA 239	P.L.108-2020	HEA 1148
P.L.68-2020	SEA 241	P.L.109-2020	HEA 1153
P.L.69-2020	SEA 246	P.L.110-2020	HEA 1157
P.L.70-2020	SEA 249	P.L.111-2020	HEA 1176
P.L.71-2020	SEA 257	P.L.112-2020	HEA 1182
P.L.72-2020	SEA 258	P.L.113-2020	HEA 1198
P.L.73-2020	SEA 267	P.L.114-2020	HEA 1207
P.L.74-2020	SEA 272	P.L.115-2020	HEA 1209
P.L.75-2020	SEA 273	P.L.116-2020	HEA 1225
P.L.76-2020	SEA 295	P.L.117-2020	HEA 1235
P.L.77-2020	SEA 299	P.L.118-2020	HEA 1243
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P.L.79-2020	SEA 331	P.L.120-2020	HEA 1246
P.L.80-2020	SEA 340	P.L.121-2020	HEA 1264
P.L.81-2020	SEA 343	P.L.122-2020	HEA 1265
P.L.82-2020	SEA 346	P.L.123-2020	HEA 1267
P.L.83-2020	SEA 350	P.L.124-2020	HEA 1283
P.L.84-2020	SEA 383	P.L.125-2020	HEA 1305
P.L.85-2020	SEA 395	P.L.126-2020	HEA 1309
P.L.86-2020	SEA 398	P.L.127-2020	HEA 1326
P.L.87-2020	SEA 405	P.L.128-2020	HEA 1341
P.L.88-2020	SEA 410	P.L.129-2020	HEA 1353
P.L.89-2020	SEA 427	P.L.130-2020	HEA 1372
P.L.90-2020	SEA 433	P.L.131-2020	HEA 1392
P.L.91-2020	SEA 438	P.L.132-2020	HEA 1419
P.L.92-2020	HEA 1003	P.L.133-2020	SEA 80

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P.L.134-2020	SEA 100
P.L.135-2020	SEA 179
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P.L.138-2020	SEA 256
P.L.139-2020	SEA 269
P.L.140-2020	SEA 302
P.L.141-2020	SEA 334
P.L.142-2020	SEA 335
P.L.143-2020	SEA 365
P.L.144-2020	SEA 367
P.L.145-2020	SEA 406
P.L.146-2020	SEA 408
P.L.147-2020	SEA 409
P.L.148-2020	SEA 430
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P.L.150-2020	HEA 1002
P.L.151-2020	HEA 1022
P.L.152-2020	HEA 1049
P.L.153-2020	HEA 1052
P.L.154-2020	HEA 1065
P.L.155-2020	HEA 1066
P.L.156-2020	HEA 1096
P.L.157-2020	HEA 1108
P.L.158-2020	HEA 1111
P.L.159-2020	HEA 1113
P.L.160-2020	HEA 1131
P.L.161-2020	HEA 1165
P.L.162-2020	HEA 1313
P.L.163-2020	HEA 1343
P.L.164-2020	HEA 1385
P.L.165-2020	HEA 1414
P.L.166-2020	SEA 229
P.L.167-2020	HEA 1014

2020
Second Regular Session of the 121st General Assembly

ENROLLED ACT NUMBER TO PUBLIC LAW NUMBER TABLE

prepared by
OFFICE OF CODE REVISION LEGISLATIVE SERVICES AGENCY
200 West Washington Street, Suite 301

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2020 Bills		SEA 190	P.L.60-2020
SEA 1	P.L.49-2020	SEA 194	P.L.61-2020
SEA 2	P.L.2-2020	SEA 197	P.L.8-2020
SEA 5	P.L.50-2020	SEA 206	P.L.62-2020
SEA 10	P.L.51-2020	SEA 209	P.L.63-2020
SEA 19	P.L.52-2020	SEA 216	P.L.64-2020
SEA 20	P.L.53-2020	SEA 229	P.L.166-2020
SEA 21	P.L.28-2020	SEA 230	P.L.65-2020
SEA 25	P.L.54-2020	SEA 237	P.L.66-2020
SEA 39	P.L.29-2020	SEA 238	P.L.9-2020
SEA 47	P.L.55-2020	SEA 239	P.L.67-2020
SEA 50	P.L.56-2020	SEA 241	P.L.68-2020
SEA 61	P.L.3-2020	SEA 246	P.L.69-2020
SEA 78	P.L.30-2020	SEA 249	P.L.70-2020
SEA 80	P.L.133-2020	SEA 254	P.L.137-2020
SEA 100	P.L.134-2020	SEA 255	P.L.10-2020
SEA 109	P.L.31-2020	SEA 256	P.L.138-2020
SEA 132	P.L.57-2020	SEA 257	P.L.71-2020
SEA 139	P.L.4-2020	SEA 258	P.L.72-2020
SEA 146	P.L.58-2020	SEA 267	P.L.73-2020
SEA 177	P.L.59-2020	SEA 269	P.L.139-2020
SEA 179	P.L.135-2020	SEA 272	P.L.74-2020
SEA 180	P.L.5-2020	SEA 273	P.L.75-2020
SEA 181	P.L.6-2020	SEA 288	P.L.11-2020
SEA 184	P.L.136-2020	SEA 295	P.L.76-2020
SEA 187	P.L.7-2020	SEA 299	P.L.77-2020

Enrolled Act Number	Public Law Number	Enrolled Act Number	Public Law Number
SEA 302	P.L.140-2020	HEA 1052	P.L.153-2020
SEA 307	P.L.12-2020	HEA 1059	P.L.98-2020
SEA 319	P.L.78-2020	HEA 1063	P.L.99-2020
SEA 331	P.L.79-2020	HEA 1065	P.L.154-2020
SEA 334	P.L.141-2020	HEA 1066	P.L.155-2020
SEA 335	P.L.142-2020	HEA 1067	P.L.35-2020
SEA 340	P.L.80-2020	HEA 1070	P.L.100-2020
SEA 343	P.L.81-2020	HEA 1077	P.L.101-2020
SEA 346	P.L.82-2020	HEA 1080	P.L.36-2020
SEA 350	P.L.83-2020	HEA 1081	P.L.15-2020
SEA 358	P.L.32-2020	HEA 1082	P.L.37-2020
SEA 365	P.L.143-2020	HEA 1090	P.L.102-2020
SEA 366	P.L.13-2020	HEA 1091	P.L.38-2020
SEA 367	P.L.144-2020	HEA 1092	P.L.103-2020
SEA 383	P.L.84-2020	HEA 1093	P.L.39-2020
SEA 395	P.L.85-2020	HEA 1094	P.L.40-2020
SEA 398	P.L.86-2020	HEA 1095	P.L.16-2020
SEA 405	P.L.87-2020	HEA 1096	P.L.156-2020
SEA 406	P.L.145-2020	HEA 1099	P.L.104-2020
SEA 408	P.L.146-2020	HEA 1104	P.L.17-2020
SEA 409	P.L.147-2020	HEA 1108	P.L.157-2020
SEA 410	P.L.88-2020	HEA 1109	P.L.105-2020
SEA 424	P.L.149-2020	HEA 1111	P.L.158-2020
SEA 427	P.L.89-2020	HEA 1112	P.L.18-2020
SEA 430	P.L.148-2020	HEA 1113	P.L.159-2020
SEA 433	P.L.90-2020	HEA 1120	P.L.106-2020
SEA 438	P.L.91-2020	HEA 1129	P.L.19-2020
HEA 1002	P.L.150-2020	HEA 1131	P.L.160-2020
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HEA 1007	P.L.1-2020	HEA 1151	P.L.41-2020
HEA 1009	P.L.14-2020	HEA 1153	P.L.109-2020
HEA 1014	P.L.167-2020	HEA 1157	P.L.110-2020
HEA 1015	P.L.33-2020	HEA 1165	P.L.161-2020
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HEA 1032	P.L.95-2020	HEA 1173	P.L.42-2020
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HEA 1047	P.L.34-2020	HEA 1182	P.L.112-2020
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HEA 1218	P.L.46-2020
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HEA 1288	P.L.24-2020
HEA 1301	P.L.47-2020
HEA 1305	P.L.125-2020
HEA 1309	P.L.126-2020
HEA 1313	P.L.162-2020
HEA 1326	P.L.127-2020
HEA 1334	P.L.25-2020
HEA 1341	P.L.128-2020
HEA 1343	P.L.163-2020
HEA 1346	P.L.48-2020
HEA 1353	P.L.129-2020
HEA 1370	P.L.26-2020
HEA 1372	P.L.130-2020
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