January 12, 2016

HOUSE BILL No. 1036

DIGEST OF HB 1036 (Updated January 11, 2016 11:59 am - DI 123)

Citations Affected: Numerous provisions throughout the Indiana Code.

Synopsis: Technical corrections. Resolves technical problems in the Indiana Code, including incorrect statutory references, nonstandard tabulation, and various grammatical problems. Provides that the technical corrections bill may be referred to as the "technical corrections bill of the 2016 general assembly". Specifies that the title may be used in the lead-in line of each SECTION of another bill to identify the provisions added, amended, or repealed by the technical corrections bill that are also amended or repealed in another bill being considered during the 2016 legislative session. Provides the publisher of the Indiana Code with guidance concerning resolution of amend/repeal conflicts between the technical corrections bill and other bills passed during the 2016 legislative session. Specifies that if there is a conflict between a provision in the technical corrections bill and a provision being repealed in another bill, the other bill's repealer is law. (The introduced version of this bill was prepared by the code revision commission.)

Effective: Upon passage; July 1, 2015 (retroactive); January 1, 2016 (retroactive).

Washburne, Kersey

January 5, 2016, read first time and referred to Committee on Judiciary.
January 11, 2016, reported — Do Pass.

January 12, 2016

Second Regular Session of the 119th General Assembly (2016)

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 2015 Regular Session of the General Assembly.

HOUSE BILL No. 1036

A BILL FOR 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 2-2.2-1-3 IS REPEALED [EFFECTIVE UPON PASSAGE]. ~~Sec. 3. (a) "Close relative" refers to the following relatives of an individual:~~

~~(1) The individual's parent.~~

~~(2) The individual's spouse.~~

~~(3) The individual's children.~~

~~(b) A relative by adoption, half-blood, marriage, or remarriage is considered as a relative of whole kinship.~~

SECTION 2. IC 2-7-1-1.7, AS AMENDED BY P.L.123-2015, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1.7. (a) "Close relative" ~~has the meaning set forth in IC 2-2.2-1-3.~~ **refers to the following relatives of an individual:**

(1) The individual's parent.

(2) The individual's spouse.

(3) The individual's children.

(b) A relative by adoption, half-blood, marriage, or remarriage is considered as a relative of whole kinship.

SECTION 3. IC 2-7-1-7.5 IS REPEALED [EFFECTIVE UPON PASSAGE]. ~~Sec. 7.5. "Legislative liaison" has the meaning set forth in IC 5-14-7-3.~~

SECTION 4. IC 2-7-4-5.5, AS AMENDED BY P.L.165-2013, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5.5. ~~(a)~~ The commission shall make copies of all the following available on the Internet:

(1) Reports, statements, other documents required to be filed under this article.

(2) Manuals, indices, summaries, and other documents the commission is required to compile, publish, or maintain under this article.

~~(b) The commission shall make copies of all reports required to be made by the employers of legislative liaisons under IC 5-14-7 available on the Internet.~~

SECTION 5. IC 2-7-5-7, AS ADDED BY P.L.58-2010, SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) An individual who is a member of the general assembly after December 31, 2011, may not be

~~(1)~~ registered as a lobbyist under this article ~~or~~

~~(2) employed as a legislative liaison;~~

during the period described in subsection (b).

(b) The period referred to in subsection (a):

(1) begins on the day the individual ceases to be a member of the general assembly; and

(2) ends three hundred sixty-five (365) days after the date the individual ceases to be a member of the general assembly.

SECTION 6. IC 2-7-6-2, AS AMENDED BY P.L.123-2015, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) This section does not apply to failure to file a report or statement under ~~IC 2-7-2-2, IC 2-7-3-2,~~ **IC 2-7-2-1, IC 2-7-3-1,** IC 2-7-3-3.3, or IC 2-7-3-7 if the person failing to file the report or statement files a late report or statement not more than ten (10) business days after the commission notifies the person by certified mail, return receipt requested, that the person did not file a timely report or statement.

(b) Any person who knowingly or intentionally violates any provision of IC 2-7-2, IC 2-7-3, or IC 2-7-5 commits unlawful lobbying, a Level 6 felony. In addition to any penalty imposed on the defendant under IC 35-50-2-7 for unlawful lobbying, the court may

order the defendant not to engage in lobbying for a period of up to ten (10) years, IC 2-7-5-6 notwithstanding.

(c) Any person who lobbies in contravention of a court order under subsection ~~(a)~~ **(b)** commits a Level 6 felony.

SECTION 7. IC 3-10-1-4.6, AS AMENDED BY P.L.216-2015, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4.6. (a) This section applies to precinct committeemen elected by the Indiana Republican Party.

(b) Precinct committeemen shall be elected on the first Tuesday after the first Monday in May 2016 and every four (4) years thereafter.

(c) The rules of the Indiana Republican Party may specify whether a precinct committeeman elected under subsection ~~(a)~~ **(b)** continues to serve as a precinct committeeman after the boundaries of the precinct are changed by a precinct establishment order issued under IC 3-11-1.5.

SECTION 8. IC 3-11-8-10.3, AS AMENDED BY P.L.169-2015, SECTION 109, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: 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.

(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. After December 31, 2015, 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 ~~list~~ 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.

(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 maintained 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.

SECTION 9. IC 4-6-2-1.5, AS AMENDED BY P.L.239-2015, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1.5. (a) Whenever any state governmental official or employee, whether elected or appointed, is made a party to a suit, and the attorney general determines that said suit has arisen out of an act which such official or employee in good faith believed to be within the scope of the official's or employee's duties as prescribed by statute or duly adopted regulation, the attorney general shall defend such person throughout such action.

(b) Whenever a teacher (as defined in IC 20-18-2-22) is made a party to a civil suit, and the attorney general determines that the suit has arisen out of an act that the teacher in good faith believed was within the scope of the teacher's duties in enforcing discipline policies developed under IC 20-33-8-12, the attorney general shall defend the teacher throughout the action.

(c) Not later than July 30 of each year, the attorney general, in consultation with the Indiana education employment relations board established in IC 20-29-3-1, shall draft and disseminate a letter by first class mail to the residence of teachers providing a summary of the teacher's rights and protections under state and federal law, including a teacher's rights and protections relating to the teacher's performance evaluation under IC 20-28-11.5.

(d) The department of education, in consultation with the Indiana education employment relations board, shall develop a method to provide the attorney general with the names and addresses of active teachers in Indiana in order for the attorney general to disseminate the letter described in subsection (c). Names and addresses collected and provided to the attorney general under this subsection are confidential and excepted from public disclosure as provided in IC 5-14-3-4.

(e) Whenever a school corporation (as defined in IC 20-26-2-4) is made a party to a civil suit and the attorney general determines that the suit has arisen out of an act authorized under IC 20-30-5-0.5 or IC 20-30-5-4.5, the attorney general shall defend the school corporation throughout the action.

(f) A determination by the attorney general under subsection (a), (b), or ~~(d)~~ **(e)** shall not be admitted as evidence in the trial of any such civil action for damages.

(g) Nothing in this chapter shall be construed to deprive any such person of the person's right to select counsel of the person's own choice

at the person's own expense.

SECTION 10. IC 4-22-2-21, AS AMENDED BY P.L.123-2006, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 21. (a) If incorporation of the text in full would be cumbersome, expensive, or otherwise inexpedient, an agency may incorporate by reference into a rule part or all of any of the following matters:

(1) A federal or state statute, rule, or regulation.

(2) A code, manual, or other standard adopted by an agent of the United States, a state, or a nationally recognized organization or association.

(3) A manual of the department of local government finance adopted in a rule described in IC 6-1.1-31-9.

(b) Each matter incorporated by reference under subsection (a) must be fully and exactly described.

(c) An agency may refer to a matter that is directly or indirectly referred to in a primary matter by fully and exactly describing the primary matter.

(d) Whenever an agency submits a rule to the attorney general, the governor, or the publisher under this chapter, the agency shall also submit a copy of the full text of each matter incorporated by reference under subsection (a) into the rule, other than the following:

(1) An Indiana statute or rule.

(2) A form or instructions for a form numbered by the ~~commission on public records~~ **Indiana archives and record administration** under IC 5-15-5.1-6.

(3) The source of a statement that is quoted or paraphrased in full in the rule.

(4) Any matter that has been previously filed with the:

(A) secretary of state before July 1, 2006; or

(B) publisher after June 30, 2006.

(5) Any matter referred to in subsection (c) as a matter that is directly or indirectly referred to in a primary matter.

(e) An agency may comply with subsection (d) by submitting a paper or an electronic copy of the full text of the matter incorporated by reference.

SECTION 11. IC 4-31-7-1, AS AMENDED BY P.L.255-2015, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015 (RETROACTIVE)]: Sec. 1. (a) A person holding a permit to conduct a horse racing meeting or a license to operate a satellite facility may provide a place in the racing meeting grounds or enclosure or the satellite facility at which the person may conduct and

supervise the pari-mutuel system of wagering by patrons of legal age on the horse races conducted or simulcast by the person. The person may not permit or use:

(1) another place other than that provided and designated by the person; or

(2) another method or system of betting or wagering.

However, a permit holder licensed to conduct gambling games under IC 4-35 may permit wagering on gambling games at a racetrack as permitted by IC 4-35.

(b) Except as provided in ~~sections~~ **section** 7 ~~and 10~~ of this chapter **and** IC 4-31-5.5, ~~and IC 4-31-7.5,~~ the pari-mutuel system of wagering may not be conducted on any races except the races at the racetrack, grounds, or enclosure for which the person holds a permit.

SECTION 12. IC 4-33-12-6, AS AMENDED BY P.L.192-2015, SECTION 1, AND AS AMENDED BY P.L.255-2015, SECTION 15, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) The department shall place in the state general fund the tax revenue collected under this chapter.

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

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

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

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

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

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

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

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

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

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

($1) is in addition to the one dollar ($1) received under subdivision (1)(B).

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

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

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

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

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

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

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

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

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

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

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

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

(6) Except as provided in subsection ~~(k),~~ *(j),* sixty-five cents ($0.65) of the admissions tax collected by the licensed owner for each person embarking on a gambling excursion during the quarter or admitted to a riverboat during the quarter that has implemented flexible scheduling under IC 4-33-6-21 shall be paid to the state general fund.

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

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

~~*(A) Twenty-two percent (22%) of the admissions tax collected during the quarter shall be paid to the county treasurer of the*~~

~~county in which the riverboat is located. The county treasurer shall distribute the money received under this clause as follows:~~

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

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

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

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

~~(C) Five percent (5%) of the admissions tax collected during the quarter shall be paid to a town having a population of more than three thousand five hundred (3,500) located in a~~

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

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

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

~~(ii) contains a historic hotel.~~

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

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

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

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

~~(i) Job creation and retention.~~

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

~~(iii) Housing.~~

~~(iv) Workforce training.~~

~~(v) Health care.~~

~~(vi) Local planning.~~

~~(vii) Land use.~~

~~(viii) Assistance to regional economic development groups.~~
~~(ix) Other regional development issues as determined by the Indiana economic development corporation.~~
~~(2) With respect to admissions taxes collected for a person admitted to the riverboat after June 30, 2010, the following amounts:~~
~~(A) Twenty-nine and thirty-three hundredths percent (29.33%) to the county treasurer of Orange County. The county treasurer shall distribute the money received under this clause as follows:~~
~~(i) Twenty-two and seventy-five hundredths percent (22.75%) to the county treasurer of Dubois County for distribution in the manner described in subdivision (1)(A)(i).~~
~~(ii) Twenty-two and seventy-five hundredths percent (22.75%) to the county treasurer of Crawford County for distribution in the manner described in subdivision (1)(A)(ii).~~
~~(iii) Fifty-four and five-tenths percent (54.5%) to be retained by the county treasurer of Orange County for appropriation by the county fiscal body after receiving a recommendation from the county executive.~~
~~(B) Six and sixty-seven hundredths percent (6.67%) to the fiscal officer of the town of Orleans. At least twenty percent (20%) of the taxes received by the town under this clause must be transferred to Orleans Community Schools.~~
~~(C) Six and sixty-seven hundredths percent (6.67%) to the fiscal officer of the town of Paoli. At least twenty percent (20%) of the taxes received by the town under this clause must be transferred to the Paoli Community School Corporation.~~
~~(D) Twenty-six and sixty-seven hundredths percent (26.67%) to be paid in equal amounts to the fiscal officers of the towns of French Lick and West Baden Springs. At least twenty percent (20%) of the taxes received by a town under this clause must be transferred to the Springs Valley Community School Corporation.~~
~~(E) Thirty and sixty-six hundredths percent (30.66%) to the Indiana economic development corporation to be used the manner described in subdivision (1)(G).~~

~~(d)~~ *(c)* ~~With respect~~ *This subsection applies* to tax revenue collected from a riverboat that operates from ~~a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000),~~ *Lake County. Except as provided by*

IC 6-3.1-20-7, the treasurer of state shall quarterly pay the following amounts:

(1) The lesser of:

(A) eight hundred seventy-five thousand dollars ($875,000); or

(B) one dollar ($1) of the admissions tax collected by the licensed owner for each person admitted to a riverboat operating from East Chicago during the preceding calendar quarter;

to the fiscal officer of the northwest Indiana regional development authority to satisfy, in whole or in part, East Chicago's funding obligation to the authority under IC 36-7.5-4-2.

(2) The lesser of:

(A) eight hundred seventy-five thousand dollars ($875,000); or

(B) one dollar ($1) of the admissions tax collected by the licensed owner for each person admitted to a riverboat operating from Gary during the preceding calendar quarter;

to the fiscal officer of the northwest Indiana regional development authority to satisfy, in whole or in part, Gary's funding obligation to the authority under IC 36-7.5-4-2.

(3) The lesser of:

(A) eight hundred seventy-five thousand dollars ($875,000); or

(B) one dollar ($1) of the admissions tax collected by the licensed owner for each person admitted to a riverboat operating from Hammond during the preceding calendar quarter;

to the fiscal officer of the northwest Indiana regional development authority to satisfy, in whole or in part, Hammond's funding obligation to the authority under IC 36-7.5-4-2.

(4) The lesser of:

(A) eight hundred seventy-five thousand dollars ($875,000); or

(B) one dollar ($1) of the admissions tax collected by the licensed owner for each person admitted to a riverboat operating from Lake County during the preceding calendar quarter;

to the fiscal officer of the northwest Indiana regional development authority to satisfy, in whole or in part, Lake County's funding obligation to the authority under IC 36-7.5-4-2.

~~(1)~~ *(5)* Except as provided in subsection ~~(k),~~ *(j), the remainder, if any, of:*

(A) one dollar ($1) of the admissions tax collected by the licensed owner for each person

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

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

(B) the amount distributed to the northwest Indiana regional development authority under subdivision (1), (2), or (3), whichever is applicable, for ~~that~~ *the calendar quarter;*

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

~~(2)~~ *(6)* Except as provided in subsection ~~(k),~~ *(j), the remainder, if any, of:*

(A) one dollar ($1) of the admissions tax collected by the licensed owner for each person

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

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

(B) the amount distributed to the northwest Indiana regional development authority under subdivision (4) for ~~that~~ *the calendar quarter;*

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

~~(3)~~ *(7)* Except as provided in subsection ~~(k),~~ *(j),* nine cents ($0.09) of the admissions tax collected by the licensed owner for each person

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

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

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

~~(4)~~ *(8)* Except as provided in subsection ~~(k),~~ *(j),* one cent ($0.01) of the admissions tax collected by the licensed owner for each person

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

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

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

~~(5)~~ *(9)* Except as provided in subsection ~~(k),~~ *(j),* fifteen cents ($0.15) of the admissions tax collected by the licensed owner for each person

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

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

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

~~(6)~~ *(10)* Except as provided in subsection ~~(k),~~ *(j),* ten cents ($0.10) of the admissions tax collected by the licensed owner for each person

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

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

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

~~(7)~~ *(11)* ~~Except as provided in subsection (k),~~ Sixty-five cents ($0.65) of the admissions tax collected by the licensed owner for each person ~~embarking on a gambling excursion during the quarter or~~ admitted to a riverboat during the *preceding calendar* quarter ~~that has implemented flexible scheduling under IC 4-33-6-21~~ shall be paid to the state general fund.

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

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

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

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

(4) is considered miscellaneous revenue.

~~(f)~~ *(e)* Money paid by the treasurer of state under subsection (b)(3) or ~~(d)(3) (d)(7)~~ *(c)(7)* shall be:

(1) deposited in:

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

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

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

~~(g)~~ *(f)* Money received by the division of mental health and addiction under subsections (b)(5) and ~~(d)(6).~~ ~~(d)(10).~~ *(c)(10):*

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

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

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

~~(h)~~ *(g)* This subsection applies to the following:

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

(2) Each entity receiving money under subsection ~~(d)(1)~~ ~~(d)(5)~~ *(c)(5)* through ~~(d)(2).~~ ~~(d)(6).~~ *(c)(6).*

(3) Each entity receiving money under subsection ~~(d)(5)~~ ~~(d)(9)~~ *(c)(9)* through ~~(d)(6).~~ ~~(d)(10).~~ *(c)(10).*

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

~~(i)~~ *(h)* This subsection applies to an entity receiving money under subsection ~~(d)(3)~~ ~~(d)(7)~~ *(c)(7)* or ~~(d)(4).~~ ~~(d)(8).~~ *(c)(8).* The treasurer of state shall determine the total amount of money paid by the treasurer of state to the entity described in subsection ~~(d)(3)~~ ~~(d)(7)~~ *(c)(7)* during state fiscal year 2002. The amount determined under this subsection multiplied by nine-tenths (0.9) is the base year revenue for the entity described in subsection ~~(d)(3).~~ ~~(d)(7).~~ *(c)(7).* The amount determined under this subsection multiplied by one-tenth (0.1) is the base year revenue for the entity described in subsection ~~(d)(4).~~ ~~(d)(8).~~ *(c)(8).* The treasurer of state shall certify the base year revenue determined under

this subsection to each entity subject to this subsection.

~~(j)~~ *(i)* ~~*This subsection does not apply to an entity receiving money under subsection (e).*~~ The total amount of money distributed to an entity under this section during a state fiscal year may not exceed the entity's base year revenue as determined under subsection ~~(h)~~ *(g)* or ~~(i).~~ *(h). For purposes of this section, the treasurer of state shall treat any amounts distributed under subsection* ~~(d)~~ *(c) to the northwest Indiana regional development authority as amounts constructively received by East Chicago, Gary, Hammond, and Lake County, as appropriate.* If the treasurer of state determines that the total amount of money:

(1) distributed to an entity; *and*

(2) constructively received by an entity;

under this section during a state fiscal year is less than the entity's base year revenue, the treasurer of state shall make a supplemental distribution to the entity under IC 4-33-13-5.

~~(k)~~ *(j)* ~~*This subsection does not apply to an entity receiving money under subsection (e).*~~ The treasurer of state shall pay that part of the riverboat admissions taxes that:

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

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

to the state general fund instead of to the entity.

SECTION 13. IC 4-35-8.3-4, AS ADDED BY P.L.255-2015, SECTION 45, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. ~~(a)~~ Before December 1 of each year, the auditor of state shall distribute an amount equal to the fees deposited in that year under section 3 of this chapter to communities and schools located near a historic hotel district and the Indiana economic development corporation as follows:

(1) Twenty-two and four-tenths percent (22.4%) to be paid as follows:

(A) Fifty percent (50%) to the fiscal officer of the town of French Lick.

(B) Fifty percent (50%) to the fiscal officer of the town of West Baden Springs.

(2) Fourteen and eight-tenths percent (14.8%) to the county treasurer of Orange County for distribution among the school corporations in the county. The governing bodies for the school corporations in the county shall provide a formula for the distribution of the money received under this subdivision among the school corporations by joint resolution adopted by the governing body of each of the school corporations in the county. Money received by a school corporation under this subdivision

must be used to improve the educational attainment of students enrolled in the school corporation receiving the money. Not later than the first regular meeting in the school year of a governing body of a school corporation receiving a distribution under this subdivision, the superintendent of the school corporation shall submit to the governing body a report describing the purposes for which the receipts under this subdivision were used and the improvements in educational attainment realized through the use of the money. The report is a public record.

(3) Thirteen and one-tenth percent (13.1%) to the county treasurer of Orange County.

(4) Five and three-tenths percent (5.3%) to the county treasurer of Dubois County for appropriation by the county fiscal body after receiving a recommendation from the county executive. The county fiscal body shall provide for the distribution of the money received under this subdivision to one (1) or more taxing units (as defined in IC 6-1.1-1-21) in the county under a formula established by the county fiscal body after receiving a recommendation from the county executive.

(5) Five and three-tenths percent (5.3%) to the county treasurer of Crawford County for appropriation by the county fiscal body. The county fiscal body shall provide for the distribution of the money received under this subdivision to one (1) or more taxing units (as defined in IC 6-1.1-1-21) in the county under a formula established by the county fiscal body after receiving a recommendation from the county executive.

(6) Six and thirty-five hundredths percent (6.35%) to the fiscal officer of the town of Paoli.

(7) Six and thirty-five hundredths percent (6.35%) to the fiscal officer of the town of Orleans.

(8) Twenty-six and four-tenths percent (26.4%) to the Indiana economic development corporation for transfer to Radius Indiana or a successor regional entity or partnership for the development and implementation of a regional economic development strategy to assist the residents of Orange County and the counties contiguous to Orange County in improving their quality of life and to help promote successful and sustainable communities. However if the amount distributed under IC 4-33-13-5(b)(2)(H) to the Orange County development commission is insufficient to meet the obligations described in IC 4-33-13-5(b)(2)(H), an amount sufficient to meet current obligations to retire or refinance indebtedness or leases for which tax revenues under IC 4-33-13-5

were pledged before January 1, 2015, by the Orange County development commission shall be paid to the Orange County development commission before making a distribution to Radius Indiana or a successor regional entity or partnership. The amount paid to the Orange County development commission reduces the amount payable to Radius Indiana or its successor entity or partnership.

SECTION 14. IC 4-35-8.3-5, AS ADDED BY P.L.255-2015, SECTION 45, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) Money distributed to a political subdivision under section 4 of this chapter:

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

(2) may not be used to reduce the maximum levy under IC 6-1.1-18.5 of a county, city, or town or the maximum tax rate of a school corporation, but, except as provided in section ~~4(a)(2)~~ **4(2)** of this chapter, may be used at the discretion of the political subdivision to reduce the property tax levy of the county, city, or town for a particular year;

(3) except as provided in section ~~4(a)(2)~~ **4(2)** of this chapter, may be used for any legal or corporate purpose of the political subdivision, including the pledge of money to bonds, leases, or other obligations under IC 5-1-14-4; and

(4) is considered miscellaneous revenue.

(b) Money distributed under section ~~4(a)(2)~~ **4(2)** of this chapter must be used for the purposes specified in section ~~4(a)(2)~~ **4(2)** of this chapter.

SECTION 15. IC 4-35-8.7-3, AS AMENDED BY P.L.213-2015, SECTION 54, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015 (RETROACTIVE)]: Sec. 3. (a) The gaming integrity fund is established.

(b) The fund shall be administered by the Indiana horse racing commission.

(c) The fund consists of gaming integrity fees deposited in the fund under this chapter and money distributed to the fund under IC 4-35-7-12.5 and IC 4-35-7-15. **Fifteen percent (15%) of the money deposited in the fund shall be transferred to the Indiana state board of animal health to be used by the state board to pay the costs associated with equine health and equine care programs under IC 15-17.**

(d) The treasurer of state shall invest the money in the fund not

currently needed to meet the obligations of the fund in the same manner as other public funds may be invested.

(e) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

(f) Money in the fund may be used by the Indiana horse racing commission only for the following purposes:

(1) To pay the cost of taking and analyzing equine specimens under IC 4-31-12-6(b) or another law or rule and the cost of any supplies related to the taking or analysis of specimens.

(2) To pay dues to the Drug Testing Standards and Practices (DTSP) Committee of the Association of Racing Commissioners International.

(3) To provide grants for research for the advancement of equine drug testing. Grants under this subdivision must be approved by the Drug Testing Standards and Practices (DTSP) Committee of the Association of Racing Commissioners International or by the Racing Mediation and Testing Consortium.

(4) To pay the costs of post-mortem examinations under IC 4-31-12-10.

(5) To pay other costs incurred by the commission to maintain the integrity of pari-mutuel racing.

SECTION 16. IC 5-1-17.5-30, AS AMENDED BY P.L.213-2015, SECTION 55, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 30. (a) If a motorsports investment district is established under this chapter, the commission, or the authority for and on behalf of the commission, shall establish a motorsports investment district fund for the motorsports investment district. The fund shall be administered by the commission. Except as provided in subsection ~~(f),~~ **(g),** money in the fund does not revert to the state general fund at the end of a state fiscal year.

(b) The commission shall deposit amounts appropriated to the commission in the motorsports investment district fund as provided in this chapter.

(c) The commission shall request that the general assembly make an appropriation not to exceed five million dollars ($5,000,000) to the commission for deposit in the motorsports investment district fund in each state fiscal year following the creation of the motor sports investment district fund, until the earlier of:

(1) the date that is twenty-two (22) years after the date on which appropriations are first deposited in the motorsports investment district fund; or

(2) the date on which all bonds issued by the authority under

section 37 of this chapter are no longer deemed outstanding. The commission may use money in the motorsports investment district fund for the purposes of this chapter.

(d) Amounts held in the motorsports investment district fund may be distributed to a trustee of any bonds that are issued or to be issued by the authority under section 37 of this chapter and that are secured by rent to be paid by the commission under a lease entered into with the authority under section 32 of this chapter.

(e) In addition, to the extent the rent due in a state fiscal year under leases of structures or other capital improvements that are within a motorsports investment district is anticipated to be insufficient to pay debt service on bonds issued under section 37 of this chapter, when due in that state fiscal year, the authority shall make the request under subsection (c) upon reaching the determination.

(f) Money in the motorsports investment district fund may be used by the commission, the authority, or a trustee for the following:

(1) Payment of the rent due under leases of structures or other capital improvements that are located within a motorsports investment district.

(2) Payment of all expenses incurred by the commission or the authority in connection with the exercise of its duties and obligations set forth in this chapter, including those incurred in connection with the establishment of the motorsports investment district.

(3) Payment of debt service on bonds issued under section 37 of this chapter, but only to the extent of any deposit made to the motorsports investment district fund from appropriations requested under subsection (e) or section 30.5(d) of this chapter.

(g) On the date that all bonds issued by the authority under section 37 of this chapter are no longer deemed outstanding and all expenses incurred by the commission or the authority in connection with the exercise of its duties and obligations set forth in this chapter have been paid, all money then remaining on deposit in the motorsports investment district fund reverts to the state general fund.

SECTION 17. IC 5-3-1-2.3, AS AMENDED BY P.L.183-2014, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2.3. ~~(a)~~ A notice published in accordance with this chapter or any other Indiana statute is valid even though the notice contains errors or omissions, as long as:

(1) a reasonable person would not be misled by the error or omission; and

(2) the notice is in substantial compliance with the time and

publication requirements applicable under this chapter or any other Indiana statute under which the notice is published.

~~(b) This subsection applies if:~~

~~(1) a county auditor publishes a notice concerning a tax rate, tax levy, or budget of a political subdivision in the county;~~

~~(2) the notice contains an error or omission that causes the notice to inaccurately reflect the tax rate, tax levy, or budget actually proposed or fixed by the political subdivision; and~~

~~(3) the county auditor is responsible for the error or omission described in subdivision (2).~~

~~Notwithstanding any other law, the department of local government finance may correct an error or omission described in subdivision (2) at any time. If an error or omission described in subdivision (2) occurs, the county auditor must publish, at the county's expense, a notice containing the correct tax rate, tax levy, or budget as proposed or fixed by the political subdivision. This subsection expires January 1, 2015.~~

SECTION 18. IC 5-10-8-14.9, AS ADDED BY P.L.209-2015, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 14.9. (a) This section applies to an employee health plan that is established, entered into, amended, or renewed after June 30, 2015.

~~(b) As used in this section, "covered individual" means an individual who is entitled to coverage under a state employee health plan.~~

~~(c)~~ **(b)** As used in this section, "state employee health plan" means one (1) of the following:

(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)~~ **(c)** A state employee health plan may provide coverage for methadone if the drug is prescribed for the treatment of pain or pain management as follows:

(1) If the daily dosage is not more than sixty (60) milligrams.

(2) If the daily dosage is more than sixty (60) milligrams, only if:

(A) prior authorization is obtained; and

(B) a determination of medical necessity has been shown by the provider.

SECTION 19. IC 5-11-1-7, AS AMENDED BY P.L.181-2015, SECTION 11, AND AS AMENDED BY P.L.213-2015, SECTION 61, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) The state examiner shall

appoint assistants not exceeding the number required to administer this article. The assistants are to be known as "field examiners" and are at all times subject to the order and direction of the state examiner. Field examiners shall inspect and examine accounts of all state agencies, municipalities, and other governmental units, entities, or instrumentalities.

(b) The state examiner may engage or, *in accordance with section 24 of this chapter,* allow the engagement of private examiners to the extent the state examiner determines necessary to satisfy the requirements of this article. These examiners are subject to the direction of the state examiner while performing examinations under this article. *The state examiner shall allow the engagement of private examiners for any state college or university subject to examination under this article if the state examiner finds that the private examiner is an independent certified public accountant firm with specific expertise in the financial affairs of educational organizations. These private examiners are subject to the direction of the state examiner while performing examinations under this article.*

(c) The state examiner may engage experts to assist the state board of accounts in carrying out its responsibilities under this article.

SECTION 20. IC 6-1.1-4-43, AS ADDED BY P.L.249-2015, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 43. (a) This section applies to a real property assessment for:

(1) the 2014 assessment date and assessment dates thereafter; and

(2) real property that is:

(A) a limited market or special purpose property that would commonly be regarded as a big box retail building under standard appraisal practices and is at least fifty thousand (50,000) square feet; and

(B) occupied by the original owner or by a tenant for which the improvement was built.

(b) This section does not ~~to~~ apply to the assessment of multi-tenant income producing shopping centers (as defined by the Appraisal Institute Dictionary of Real Estate Appraisal (5th Edition)).

(c) In determining the true tax value of real property under this section which has improvements with an effective age ~~is~~ **of** ten (10) years or less under the rules of the department, assessing officials shall apply the cost approach, less depreciation and obsolescence under the rules and guidelines of the department. For purposes of this subsection, the land value shall be assessed separately. The assessed value of the land underlying the improvements assessed under this section may be

assessed or challenged based on the market value of comparable land.

(d) This subsection applies to a taxpayer that files a notice under IC 6-1.1-15 after April 30, 2015, requesting a review of the assessment of the taxpayer's real property that is subject to this section. If the effective age of the improvements is ten (10) years or less under the rules of the department, a taxpayer must provide to the appropriate county or township assessing official information concerning the actual construction costs for the real property. Notwithstanding IC 6-1.1-15, if a taxpayer does not provide all relevant and reasonably available information concerning the actual construction costs for the real property before the hearing scheduled by the county property tax assessment board of appeals regarding the assessment of the real property, the appeal may not be reviewed until all the information is provided. If a taxpayer does provide the information concerning the actual construction costs for the real property and the construction costs for the real property are greater than the cost values determined by using the cost tables under the rules and guidelines of the department of local government finance, then ~~the~~ for purposes of applying the cost approach under subsection ~~(b) or~~ (c) the depreciation and obsolescence shall be deducted from the construction costs rather than the ~~than the~~ cost values determined by using the cost tables under the rules and guidelines of the department of local government finance.

SECTION 21. IC 6-1.1-15-1, AS AMENDED BY P.L.148-2015, SECTION 15, AS AMENDED BY P.L.248-2015, SECTION 1, AND AS AMENDED BY P.L.249-2015, SECTION 12, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) *Except as provided in section 1.5 of this chapter,* a taxpayer may obtain a review by the county board of a county or township official's action with respect to ~~*either or both*~~ *any of the following, or any combination* of the following:

(1) The assessment of the taxpayer's tangible property.

(2) A deduction for which a review under this section is authorized by any of the following:

(A) IC 6-1.1-12-25.5.

(B) IC 6-1.1-12-28.5.

(C) IC 6-1.1-12-35.5.

(D) IC 6-1.1-12.1-5.

(E) IC 6-1.1-12.1-5.3.

(F) IC 6-1.1-12.1-5.4.

(3) A determination concerning a common area under IC 6-1.1-10-37.5.

(b) At the time that notice of an action referred to in subsection (a)

is given to the taxpayer, the taxpayer shall also be informed in writing of:

(1) the opportunity for a review under this section, including a preliminary informal meeting under subsection (h)(2) with the county or township official referred to in this subsection; and

(2) the procedures the taxpayer must follow in order to obtain a review under this section.

(c) In order to obtain a review of an assessment or deduction effective for the assessment date to which the notice referred to in subsection (b) applies, the taxpayer must file a notice in writing with the county or township official referred to in subsection (a) not later than forty-five (45) days after the date of the notice referred to in subsection (b).

(d) A taxpayer may obtain a review by the county board of the assessment of the taxpayer's tangible property effective for an assessment date for which a notice of assessment is not given as described in subsection (b). To obtain the review, the taxpayer must file a notice in writing with the township assessor, or the county assessor if the township is not served by a township assessor. The right of a taxpayer to obtain a review under this subsection for an assessment date for which a notice of assessment is not given does not relieve an assessing official of the duty to provide the taxpayer with the notice of assessment as otherwise required by this article. The notice to obtain a review must be filed not later than the later of:

(1) May 10 of the year; or

(2) forty-five (45) days after the date of the tax statement mailed by the county treasurer, regardless of whether the assessing official changes the taxpayer's assessment.

(e) A change in an assessment made as a result of a notice for review filed by a taxpayer under subsection (d) after the time prescribed in subsection (d) becomes effective for the next assessment date. A change in an assessment made as a result of a notice for review filed by a taxpayer under subsection (c) or (d) remains in effect from the assessment date for which the change is made until the next assessment date for which the assessment is changed under this article.

(f) The written notice filed by a taxpayer under subsection (c) or (d) must include the following information:

(1) The name of the taxpayer.

(2) The address and parcel or key number of the property.

(3) The address and telephone number of the taxpayer.

(g) The filing of a notice under subsection (c) or (d):

(1) initiates a review under this section; and

(2) constitutes a request by the taxpayer for a preliminary informal meeting with the official referred to in subsection (a).

(h) A county or township official who receives a notice for review filed by a taxpayer under subsection (c) or (d) shall:

(1) immediately forward the notice to the county board; and

(2) attempt to hold a preliminary informal meeting with the taxpayer to resolve as many issues as possible by:

(A) discussing the specifics of the taxpayer's assessment or deduction;

(B) reviewing the taxpayer's property record card;

(C) explaining to the taxpayer how the assessment or deduction was determined;

(D) providing to the taxpayer information about the statutes, rules, and guidelines that govern the determination of the assessment or deduction;

(E) noting and considering objections of the taxpayer;

(F) considering all errors alleged by the taxpayer; and

(G) otherwise educating the taxpayer about:

(i) the taxpayer's assessment or deduction;

(ii) the assessment or deduction process; and

(iii) the assessment or deduction appeal process.

(i) Not later than ten (10) days after the informal preliminary meeting, the official referred to in subsection (a) shall forward to the county auditor and the county board the results of the conference on a form prescribed by the department of local government finance that must be completed and signed by the taxpayer and the official. *The official referred to in subsection (a) must attest on the form that the official described to the taxpayer the taxpayer's right to a review of the issues by the county board under this chapter and the taxpayer's right to appeal to the Indiana board of tax review and to the Indiana tax court.* The form must indicate the following:

(1) *Notwithstanding section 2.5 of this chapter,* if the taxpayer and the official agree on the resolution of all assessment or deduction issues in the review, a statement of:

(A) those issues; and

(B) the assessed value of the tangible property or the amount of the deduction that results from the resolution of those issues in the manner agreed to by the taxpayer and the official.

(2) If the taxpayer and the official do not agree on the resolution of all assessment or deduction issues in the review:

(A) a statement of those issues; and

(B) the identification of:

(i) the issues on which the taxpayer and the official agree; and

(ii) the issues on which the taxpayer and the official disagree.

~~*(1) If the taxpayer and the official agree on the resolution of all assessment or deduction issues in the review, a statement of:*~~

~~*(A) those issues; and*~~

~~*(B) the assessed value of the tangible property or the amount of the deduction that results from the resolution of those issues in the manner agreed to by the taxpayer and the official.*~~

~~*(2) If the taxpayer and the official do not agree on the resolution of all assessment or deduction issues in the review:*~~

~~*(A) a statement of those issues; and*~~

~~*(B) the identification of:*~~

~~*(i) the issues on which the taxpayer and the official agree; and*~~

~~*(ii) the issues on which the taxpayer and the official disagree.*~~

(j) If the county board receives a form referred to in subsection (i)(1) before the hearing scheduled under subsection (k):

(1) the county board shall cancel the hearing;

(2) the county official referred to in subsection (a) shall give notice to the taxpayer, the county board, the county assessor, and the county auditor of the assessment or deduction in the amount referred to in subsection (i)(1)(B); and

(3) if the matter in issue is the assessment of tangible property, the county board may reserve the right to change the assessment under IC 6-1.1-13.

(k) If:

(1) subsection (i)(2) applies; or

(2) the county board does not receive a form referred to in subsection (i) not later than one hundred twenty (120) days after the date of the notice for review filed by the taxpayer under subsection (c) or (d);

the county board shall hold a hearing on a review under this subsection not later than one hundred eighty (180) days after the date of that notice. The county board shall, by mail, give at least thirty (30) days notice of the date, time, and place fixed for the hearing to the taxpayer, *the taxpayer's representative (if any),* and the county or township official with whom the taxpayer filed the notice for review. The taxpayer and the county or township official with whom the taxpayer filed the notice for review are parties to the proceeding before the

county board. A taxpayer may request a continuance of the hearing by filing, at least twenty (20) days before the hearing date, a request for continuance with the board and the county or township official with evidence supporting a just cause for the continuance. The board shall, not later than ten (10) days after the date the request for a continuance is filed, either find that the taxpayer has demonstrated a just cause for a continuance and grant the taxpayer the continuance, or deny the continuance. A taxpayer may request that the board take action without the taxpayer being present and that the board make a decision based on the evidence already submitted to the board by filing, at least eight (8) days before the hearing date, a request with the board and the county or township official. A taxpayer may withdraw a petition by filing, at least eight (8) days before the hearing date, a notice of withdrawal with the board and the county or township official.

(l) At the hearing required under subsection (k):

(1) the taxpayer may present the taxpayer's reasons for disagreement with the assessment or deduction; and

(2) the county or township official with whom the taxpayer filed the notice for review must present:

(A) the basis for the assessment or deduction decision; and

(B) the reasons the taxpayer's contentions should be denied.

A penalty of fifty dollars ($50) shall be assessed against the taxpayer if the taxpayer or representative fails to appear at the hearing and, under subsection (k), the taxpayer's request for continuance is denied, or the taxpayer's request for continuance, request for the board to take action without the taxpayer being present, or withdrawal is not timely filed. A taxpayer may appeal the assessment of the penalty to the Indiana board or directly to the tax court. The penalty may not be added as an amount owed on the property tax statement under IC 6-1.1-22 or IC 6-1.1-22.5.

(m) The official referred to in subsection (a) may not require the taxpayer to provide documentary evidence at the preliminary informal meeting under subsection (h). The county board may not require a taxpayer to file documentary evidence or summaries of statements of testimonial evidence before the hearing required under subsection (k). 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.

(n) The county board shall prepare a written decision resolving all of the issues under review. *The written decision may be in the form of*

a stipulated determination under section 2.5 of this chapter. The county board shall, by mail, give notice of its determination not later than:

(1) one hundred twenty (120) days after the hearing under subsection (k); *or*

(2) thirty (30) days after an entry of a stipulated determination under section 2.5 of this chapter;

to the taxpayer, the official referred to in subsection (a), the county assessor, and the county auditor.

(o) If the maximum time elapses:

(1) under subsection (k) for the county board to hold a hearing; or

(2) under subsection (n) for the county board to give notice of its determination;

the taxpayer may initiate a proceeding for review before the Indiana board by taking the action required by section 3 of this chapter at any time after the maximum time elapses.

SECTION 22. IC 6-1.1-15-2.5, AS ADDED BY P.L.248-2015, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2.5. (a) This section applies to a notice of review filed by a taxpayer under section 1 of this chapter with respect to the assessment of the taxpayer's tangible property.

(b) Instead of a hearing before the county board, a taxpayer and a township or county official may enter into an agreement in which both parties:

(1) agree to waive a determination by the county board and submit the dispute directly to the Indiana board; or

(2) stipulate to the assessed value of the tangible property in dispute as determined by an independent appraisal under terms and conditions in subsection (e).

A taxpayer and a township or county official may still enter into an agreement under section 1(i) of this chapter and not be subject to the requirements of this section.

(c) An agreement under this section may not be entered into more than one hundred twenty (120) days after the date of the notice under subsection (a).

(d) The township or county official shall immediately forward an agreement entered into under this section to the county board.

(e) An agreement entered into by a taxpayer and a township or county official under subsection ~~(b)~~ **(b)(2)** must include the following provisions:

(1) The county board shall select three (3) Indiana registered appraisers as potential appraisers to conduct an independent

appraisal under the agreement.

(2) Not later than fifteen (15) days after the county board's selection of potential appraisers, the:

(A) taxpayer; and

(B) township or county official;

may each strike one (1) appraiser from the list of potential appraisers by providing written notice to the county board of the name of the appraiser to strike from the list.

(3) Not later than sixty (60) days after the date of the agreement, an appraisal shall be conducted by the Indiana registered appraiser who is:

(A) not struck from the list of potential appraisers, if two (2) potential appraisers are struck from the list under subdivision (2); or

(B) selected by the county board from the list of potential appraisers, if fewer than two (2) potential appraisers are struck from the list under subdivision (2).

(4) The appraisal conducted under subdivision (3) shall be:

(A) prepared in accordance with usual and customary professional standards for an Indiana registered appraiser;

(B) notarized; and

(C) filed with the county board not later than three (3) days after its completion.

(5) The taxpayer and the township or county official stipulate for purposes of review by the county board that the correct assessed value of the tangible property in dispute is the appraised value of the tangible property as determined by the appraisal conducted under subdivision (3).

(6) The taxpayer and the township or county official retain the right to initiate a proceeding for review of a stipulated determination entered by the county board under subsection (g) before the Indiana board under section 3 of this chapter.

(7) Any other provision the department of local government finance considers appropriate.

(f) The department of local government finance shall prescribe a standard form agreement that must be used for purposes of this section. The department shall require the form agreement to be notarized.

(g) Upon receipt of an independent appraisal conducted under this section, the county board shall enter a stipulated determination of assessed value:

(1) based on the agreement of the parties under ~~this section;~~ **subsection (b)(2);** and

(2) equal to the appraised value of the property as determined by the independent appraisal.

(h) A taxpayer or a township or county official may initiate a proceeding for review of a stipulated determination entered by a county board under this section before the Indiana board as required by section 3 of this chapter.

SECTION 23. IC 6-1.1-17-16, AS AMENDED BY P.L.183-2014, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 16. (a) Subject to the limitations and requirements prescribed in this section, the department of local government finance may revise, reduce, or increase a political subdivision's budget by fund, tax rate, or tax levy which the department reviews under section 8 or 10 of this chapter.

(b) Subject to the limitations and requirements prescribed in this section, the department of local government finance may review, revise, reduce, or increase the budget by fund, tax rate, or tax levy of any of the political subdivisions whose tax rates compose the aggregate tax rate within a political subdivision whose budget, tax rate, or tax levy is the subject of an appeal initiated under this chapter.

(c) 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.

(d) Except as provided in subsection (i), 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) (before its expiration) 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) (before its expiration). 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.

(e) 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.

(f) 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;

(3) the taxpayer that initiated an appeal under section 13 of this chapter, or, if the appeal was initiated by multiple taxpayers, the first ten (10) taxpayers whose names appear on the statement filed to initiate the appeal; and

(4) a taxpayer that owns property that represents at least ten percent (10%) of the taxable assessed valuation in the political subdivision.

(g) The following may petition for judicial review of the final determination of the department of local government finance under subsection (f):

(1) If the department acts under an appeal initiated by a political subdivision, the political subdivision.

(2) If the department:

(A) acts under an appeal initiated by one (1) or more taxpayers under section 13 of this chapter; or

(B) fails to act on the appeal before the department certifies its action under subsection (f);

a taxpayer who signed the statement filed to initiate the appeal.

(3) If the department acts under an appeal initiated by the county auditor under section 14 of this chapter, the county auditor.

(4) 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 (f).

(h) The department of local government finance is expressly directed to complete the duties assigned to it under this section not later than February 15 of each year for taxes to be collected during that year.

(i) 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 requested increase is published on the department's advertising Internet web site and (before January 1, 2015) is published by the political subdivision according to a notice provided by the department; and

(3) notice is given to the county fiscal body of the error and the department's correction.

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).

(j) The department of local government finance shall annually review the budget by fund of each school corporation not later than April 1. The department of local government finance shall give the school corporation written notification specifying any revision, reduction, or increase the department proposes in the school corporation's budget by fund. A public hearing is not required in connection with this review of the budget.

SECTION 24. IC 6-1.1-18-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. **Except as provided in IC 6-1.1-17-16(i),** when fixing a budget, tax rate, and tax levy under IC 6-1.1-17-5, the officers of a political subdivision may not fix a budget or tax levy which exceeds the amount published by the political subdivision. The portion of a budget or tax levy which exceeds the published amount is void.

SECTION 25. IC 6-1.1-20-3.6, AS AMENDED BY P.L.203-2015, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

UPON PASSAGE]: Sec. 3.6. (a) Except as provided in sections 3.7 and 3.8 of this chapter, this section applies only to a controlled project described in section 3.5(a) of this chapter.

(b) If a sufficient petition requesting the application of the local public question process has been filed as set forth in section 3.5 of this chapter, a political subdivision may not impose property taxes to pay debt service on bonds or lease rentals on a lease for a controlled project unless the political subdivision's proposed debt service or lease rental is approved in an election on a local public question held under this section.

(c) Except as provided in subsection (k), the following question shall be submitted to the eligible voters at the election conducted under this section:

> "Shall _____ (insert the name of the political subdivision) issue bonds or enter into a lease to finance _____ (insert a brief description of the controlled project), which is estimated to cost not more than _____ (insert the total cost of the project) and is estimated to increase the property tax rate for debt service by _____ (insert increase in tax rate as determined by the department of local government finance)?".

The public question must appear on the ballot in the form approved by the county election board. If the political subdivision proposing to issue bonds or enter into a lease is located in more than one (1) county, the county election board of each county shall jointly approve the form of the public question that will appear on the ballot in each county. The form approved by the county election board may differ from the language certified to the county election board by the county auditor. If the county election board approves the language of a public question under this subsection, the county election board shall submit the language to the department of local government finance for review.

(d) The department of local government finance shall review the language of the public question to evaluate whether the description of the controlled project is accurate and is not biased against either a vote in favor of the controlled project or a vote against the controlled project. The department of local government finance may either approve the ballot language as submitted or recommend that the ballot language be modified as necessary to ensure that the description of the controlled project is accurate and is not biased. The department of local government finance shall certify its approval or recommendations to the county auditor and the county election board not more than ten (10) days after the language of the public question is submitted to the department for review. If the department of local government finance

recommends a modification to the ballot language, the county election board shall, after reviewing the recommendations of the department of local government finance, submit modified ballot language to the department for the department's approval or recommendation of any additional modifications. The public question may not be certified by the county auditor under subsection (e) unless the department of local government finance has first certified the department's final approval of the ballot language for the public question.

(e) The county auditor shall certify the finally approved public question under IC 3-10-9-3 to the county election board of each county in which the political subdivision is located. The certification must occur not later than noon:

(1) seventy-four (74) days before a primary election if the public question is to be placed on the primary or municipal primary election ballot; or

(2) August 1 if the public question is to be placed on the general or municipal election ballot.

Subject to the certification requirements and deadlines under this subsection and except as provided in subsection (k), the public question shall be placed on the ballot at the next primary election, general election, or municipal election in which all voters of the political subdivision are entitled to vote. However, if a primary election, general election, or municipal election will not be held during the first year in which the public question is eligible to be placed on the ballot under this section and if the political subdivision requests the public question to be placed on the ballot at a special election, the public question shall be placed on the ballot at a special election to be held on the first Tuesday after the first Monday in May or November of the year. The certification must occur not later than noon seventy-four (74) days before a special election to be held in May (if the special election is to be held in May) or noon on August 1 (if the special election is to be held in November). The fiscal body of the political subdivision that requests the special election shall pay the costs of holding the special election. The county election board shall give notice under IC 5-3-1 of a special election conducted under this subsection. A special election conducted under this subsection is under the direction of the county election board. The county election board shall take all steps necessary to carry out the special election.

(f) The circuit court clerk shall certify the results of the public question to the following:

(1) The county auditor of each county in which the political subdivision is located.

(2) The department of local government finance.

(g) Subject to the requirements of IC 6-1.1-18.5-8, the political subdivision may issue the proposed bonds or enter into the proposed lease rental if a majority of the eligible voters voting on the public question vote in favor of the public question.

(h) If a majority of the eligible voters voting on the public question vote in opposition to the public question, both of the following apply:

(1) The political subdivision may not issue the proposed bonds or enter into the proposed lease rental.

(2) Another public question under this section on the same or a substantially similar project may not be submitted to the voters earlier than three hundred fifty (350) days after the date of the election.

(i) IC 3, to the extent not inconsistent with this section, applies to an election held under this section.

(j) A political subdivision may not artificially divide a capital project into multiple capital projects in order to avoid the requirements of this section and section 3.5 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 artificially divided a capital project into multiple capital projects in order to avoid the requirements of this section and section 3.5 of this chapter. The petition must be filed not more than ten (10) days after the political subdivision makes the preliminary determination to issue the bonds or enter into the lease for the project. 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 capital projects were artificially divided.

(k) This subsection applies to a political subdivision for which a petition requesting a public question has been submitted under section 3.5 of this chapter. The legislative body (as defined in IC 36-1-2-9) of the political subdivision may adopt a resolution to withdraw a controlled project from consideration in a public question. If the legislative body provides a certified copy of the resolution to the county auditor and the county election board not later than sixty-three (63) days before the election at which the public question would be on the ballot, the public question on the controlled project shall not be placed on the ballot and the public question on the controlled project shall not be held, regardless of whether the county auditor has certified the public question to the county election board. If the withdrawal of a

public question under this subsection requires the county election board to reprint ballots, the political subdivision withdrawing the public question shall pay the costs of reprinting the ballots. If a political subdivision withdraws a public question under this subsection that would have been held at a special election and the county election board has printed the ballots before the legislative body of the political subdivision provides a certified copy of the withdrawal resolution to the county auditor and the county election board, the political subdivision withdrawing the public question shall pay the costs incurred by the county in printing the ballots. If a public question on a controlled project is withdrawn under this subsection, a public question under this section on the same controlled project or a substantially similar controlled project may not be submitted to the voters earlier than three hundred fifty (350) days after the date the resolution withdrawing the public question is adopted.

(l) If a public question regarding a controlled project is placed on the ballot to be voted on at ~~a public question~~ **an election** under this section, the political subdivision shall submit to the department of local government finance, at least thirty (30) days before the election, the following information regarding the proposed controlled project for posting on the department's Internet web site:

(1) The cost per square foot of any buildings being constructed as part of the controlled project.

(2) The effect that approval of the controlled project would have on the political subdivision's property tax rate.

(3) The maximum term of the bonds or lease.

(4) The maximum principal amount of the bonds or the maximum lease rental for the lease.

(5) The estimated interest rates that will be paid and the total interest costs associated with the bonds or lease.

(6) The purpose of the bonds or lease.

(7) In the case of a controlled project proposed by a school corporation:

(A) the current and proposed square footage of school building space per student;

(B) enrollment patterns within the school corporation; and

(C) the age and condition of the current school facilities.

SECTION 26. IC 6-1.1-24-5.3, AS AMENDED BY P.L.251-2015, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: 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):

(A) A partner of a partnership.

(B) An officer or majority stockholder of a corporation.

(C) The person who 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 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 ~~section 1 of this chapter~~ **IC 6-1.1-24-1** from 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. 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 27. IC 6-1.1-28-12, AS ADDED BY P.L.248-2015, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. (a) This section applies beginning January 1, 2016.

(b) Each county property tax assessment board of appeals (referred to as the "county PTABOA" in this section) shall submit annually a report of the notices for review filed with the county PTABOA under IC 6-1.1-15-1(c) and IC 6-1.1-15-1(d) in the preceding year to the department of local government finance, the Indiana board of tax review, and the legislative services agency before April 1 of each year. A report submitted to the legislative services agency must be in an electronic format under IC 5-14-6.

(c) The report required by subsection (b) must include the following information:

(1) The total number of notices for review filed with the county PTABOA.

(2) The notices for review, either filed or pending during the year, that were resolved during the year by a preliminary informal meeting under IC 6-1.1-15-1(h)(2) and IC 6-1.1-15-1(j).

(3) The notices for review, either filed or pending during the year, in which a hearing was conducted during the year by the county PTABOA under IC 6-1.1-15-1(k).

(4) The number of written decisions issued during the year by the county PTABOA under ~~IC 6-1.1-15-1(o).~~ **IC 6-1.1-15-1(n).**

(5) The number of notices for review pending with the county

PTABOA on December 31 of the reporting year.

(6) The number of reviews resolved through a preliminary informal meeting under IC 6-1.1-15-1(h)(2) and IC 6-1.1-15-1(j) that were:

(A) resolved in favor of the taxpayer;

(B) resolved in favor of the assessor; or

(C) resolved in some other manner.

(7) The number of reviews resolved through a written decision issued during the year by the county PTABOA under ~~IC 6-1.1-15-1(o)~~ **IC 6-1.1-15-1(n)** that were:

(A) resolved in favor of the taxpayer;

(B) resolved in favor of the assessor; or

(C) resolved in some other manner.

The report may not include any confidential information.

SECTION 28. IC 6-1.1-37-10, AS AMENDED BY P.L.56-2012, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. (a) Except as provided in ~~sections 10.1 and~~ **section** 10.7 of this chapter, if an installment of property taxes is not completely paid on or before the due date, a penalty shall be added to the unpaid portion in the year of the initial delinquency. The penalty is equal to an amount determined as follows:

(1) If:

(A) an installment of real property taxes is completely paid on or before the date thirty (30) days after the due date; and

(B) the taxpayer is not liable for delinquent property taxes first due and payable in a previous installment for the same parcel;

the amount of the penalty is equal to five percent (5%) of the amount of delinquent taxes.

(2) If:

(A) an installment of personal property taxes is completely paid on or before the date thirty (30) days after the due date; and

(B) the taxpayer is not liable for delinquent property taxes first due and payable in a previous installment for a personal property tax return for property in the same taxing district;

the amount of the penalty is equal to five percent (5%) of the amount of delinquent taxes.

(3) If subdivision (1) or (2) does not apply, the amount of the penalty is equal to ten percent (10%) of the amount of delinquent taxes.

(b) With respect to property taxes due in two (2) equal installments under IC 6-1.1-22-9(a), on the day immediately following the due dates

of the first and second installments in each year following the year of the initial delinquency, an additional penalty equal to ten percent (10%) of any taxes remaining unpaid shall be added. With respect to property taxes due in installments under IC 6-1.1-22-9.5, an additional penalty equal to ten percent (10%) of any taxes remaining unpaid shall be added on the day immediately following each date that succeeds the last installment due date by:

(1) six (6) months; or

(2) a multiple of six (6) months.

(c) The penalties under subsection (b) are imposed only on the principal amount of the delinquent taxes.

(d) If the department of local government finance determines that an emergency has occurred which precludes the mailing of the tax statement in any county at the time set forth in IC 6-1.1-22-8.1, the department shall establish by order a new date on which the installment of taxes in that county is due and no installment is delinquent if paid by the date so established.

(e) If any due date falls on a Saturday, a Sunday, a national legal holiday recognized by the federal government, or a statewide holiday, the act that must be performed by that date is timely if performed by the next succeeding day that is not a Saturday, a Sunday, or one (1) of those holidays.

(f) Subject to subsections (g) and (h), a payment to the county treasurer is considered to have been paid by the due date if the payment is:

(1) received on or before the due date by the county treasurer or a collecting agent appointed by the county treasurer;

(2) deposited in United States first class mail:

(A) properly addressed to the principal office of the county treasurer;

(B) with sufficient postage; and

(C) postmarked by the United States Postal Service as mailed on or before the due date;

(3) deposited with a nationally recognized express parcel carrier and is:

(A) properly addressed to the principal office of the county treasurer; and

(B) verified by the express parcel carrier as:

(i) paid in full for final delivery; and

(ii) received by the express parcel carrier on or before the due date;

(4) deposited to be mailed through United States registered mail,

United States certified mail, or United States certificate of mailing:

(A) properly addressed to the principal office of the county treasurer;

(B) with sufficient postage; and

(C) with a date of registration, certification, or certificate, as evidenced by any record authenticated by the United States Postal Service, on or before the due date; or

(5) made by an electronic funds transfer and the taxpayer's bank account is charged on or before the due date.

For purposes of this subsection, "postmarked" does not mean the date printed by a postage meter that affixes postage to the envelope or package containing a payment.

(g) If a payment is mailed through the United States mail and is physically received after the due date without a legible correct postmark, the person who mailed the payment is considered to have made the payment on or before the due date if the person can show by reasonable evidence that the payment was deposited in the United States mail on or before the due date.

(h) If a payment is sent via the United States mail or a nationally recognized express parcel carrier but is not received by the designated recipient, the person who sent the payment is considered to have made the payment on or before the due date if the person:

(1) can show by reasonable evidence that the payment was deposited in the United States mail, or with the express parcel carrier, on or before the due date; and

(2) makes a duplicate payment within thirty (30) days after the date the person is notified that the payment was not received.

SECTION 29. IC 6-3.6-6-9, AS ADDED BY P.L.243-2015, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. (a) This section applies to the allocation of additional revenue from a tax under this chapter for economic development purposes.

(b) Money designated for economic development purposes shall be allocated to the county, cities, and towns for use by the taxing unit's fiscal body for any of the purposes described in IC 6-3.6-10. Except as provided in subsections (c) and (d), and subject to adjustment as provided in IC 36-8-19-7.5, the amount of the certified distribution allocated to economic development purposes that the county and each city or town in a county is entitled to receive each month of each year equals the amount determined using the following formula:

STEP ONE: Determine the sum of:

(A) the total property taxes being imposed by the county, city, or town during the calendar year of the distribution; plus

(B) for a county, the welfare allocation amount.

STEP TWO: Determine the quotient of:

(A) The STEP ONE amount; divided by

(B) the sum of the total property taxes that are first due and payable to the county and all cities and towns of the county during the calendar year in which the month falls, plus the welfare allocation amount.

STEP THREE: Determine the product of:

(A) the amount of the certified distribution allocated to economic development purposes for that month; multiplied by

(B) the STEP TWO amount.

(c) The body imposing the tax may adopt an ordinance before August 2 of a year to provide for a distribution of the amount allocated to economic development purposes based on population instead of a distribution under subsection (b). The following apply if an ordinance is adopted under this subsection:

(1) The ordinance is effective January 1 of the following year.

(2) The amount of the certified distribution allocated to economic development purposes that the county and each city and town in the county are entitled to receive during each month of each year equals the product of:

(A) the amount of the certified distribution that is allocated to economic development purposes for the month; multiplied by

(B) the quotient of:

~~(A)~~ **(i)** for a city or town, the population of the city or the town that is located in the county and for a county, the population of the part of the county that is not located in a city or town; divided by

~~(B)~~ **(ii)** the population of the entire county.

(3) The ordinance may be made irrevocable for the duration of specified lease rental or debt service payments.

(d) In a county having a consolidated city, only the consolidated city is entitled to the amount of the certified distribution that is allocated to economic development purposes.

(e) This subsection applies to Porter County. Three million five hundred thousand dollars ($3,500,000) of the additional revenue that is allocated each year for economic development purposes shall be used by the county or by eligible municipalities (as defined in IC 36-7.5-1-11.3) in the county to make transfers as provided in and required under IC 36-7.5-4-2 (before its repeal).

SECTION 30. IC 6-6-5-9, AS AMENDED BY P.L.149-2015, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. (a) The bureau, in the administration and collection of the annual license excise tax imposed by this chapter, may utilize the services and facilities of license branches operated under IC 9-16 in its administration of the motor vehicle registration laws of the state of Indiana. The license branches may be so utilized in accordance with such procedures, in such manner, and to such extent as the bureau shall deem necessary and proper to implement and effectuate the administration and collection of the excise tax imposed by this chapter. However, in the event the bureau shall utilize such license branches in the collection of excise tax, the following apply:

(1) The bureau of motor vehicles shall report the excise taxes collected on at least a weekly basis to the county auditor of the county to which the collections are due.

(2) If the services of a license branch are used by the bureau in the collection of the excise tax imposed by this chapter, the license branch shall collect the service charge prescribed under IC 9-29-1-10 for each vehicle registered upon which an excise tax is collected by that branch.

(3) If the excise tax imposed by this chapter is collected by the department of state revenue, the money collected shall be deposited in the state general fund to the credit of the appropriate county and reported to the bureau of motor vehicles on the first working day following the week of collection. Except as provided in subdivision (4), any amount collected by the department which represents interest or a penalty shall be retained by the department and used to pay its costs of enforcing this chapter.

(4) This subdivision applies only to interest or a penalty collected by the department of state revenue from a person who:

(A) fails to properly register a vehicle as required by IC 9-18 and pay the tax due under this chapter; and

(B) during any time after the date by which the vehicle was required to be registered under IC 9-18 displays on the vehicle a license plate issued by another state.

The total amount collected by the department that represents interest or a penalty, minus a reasonable amount determined by the department to represent its administrative expenses, shall be deposited in the state general fund for the credit of the county in which the person resides. The amount shall be reported to the bureau of motor vehicles on the first working day following the week of collection.

The bureau may contract with a bank card or credit card vendor for acceptance of bank or credit cards.

(b) On or before April 1 of each year the bureau shall provide to the auditor of state the amount of motor vehicle excise taxes collected for each county for the preceding year.

(c) On or before May 10 and November 10 of each year the auditor of state shall distribute to each county one-half (1/2) of:

(1) the amount of delinquent taxes; and

(2) any penalty or interest described in subsection ~~(a)(3);~~ **(a)(4);** that have been credited to the county under subsection (a). There is appropriated from the state general fund the amount necessary to make the distributions required by this subsection. The county auditor shall apportion and distribute the delinquent tax distributions to the taxing units in the county at the same time and in the same manner as excise taxes are apportioned and distributed under section 10 of this chapter.

(d) The commissioner of insurance shall prescribe the form of the bonds or crime policies required by this section.

SECTION 31. IC 6-8.1-5-2, AS AMENDED BY P.L.242-2015, SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) Except as otherwise provided in this section, 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 tax, the special fuel tax, the motor carrier fuel tax, the oil inspection fee, or the petroleum severance tax, the end of the calendar year which contains the taxable period for which the return is filed.

(b) If a person files a utility receipts tax return (IC 6-2.3), an 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), county option income tax (IC 6-3.5-6), or financial institutions tax (IC 6-5.5) return 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 motor vehicle excise tax (IC 6-6-5), the tax shall be assessed as provided in IC 6-6-5-5 and IC 6-6-5-6 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 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 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 who fails to properly register a recreational vehicle as required by IC 9-18 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 who 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:

(1) within two (2) years after making the refund; or

(2) 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 time 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) 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(d)~~ **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.

SECTION 32. IC 6-10-1-2, AS ADDED BY P.L.44-2015, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) As used in this chapter, "Internet access" means a service that enables users to connect to the Internet to access content, information, or other services offered over the Internet, without regard to whether the service is referred to **as** telecommunications, communications, transmission, or similar services, and without regard to whether a provider of the service is subject to regulation by the Federal Communications Commission as a common carrier under 47 U.S.C. 201 et seq.

(b) The term also includes the following:

(1) The purchase, use, or sale of communications services, including telecommunications services (as defined in IC 6-2.5-1-27.5), by a provider of a service described in subsection (a), to the extent the communications services are purchased, used, or sold to provide the service described in subsection (a) or to otherwise enable users to access content, information, or other services offered over the Internet.

(2) Services that are incidental to the provision of a service described in subsection (a), when furnished to users as part of such service, including a home page, electronic mail and instant messaging (including voice-capable and video-capable electronic mail and instant messaging), video clips, and personal electronic storage capacity.

(3) A home page, electronic mail and instant messaging (including voice-capable and video-capable electronic mail and instant messaging), video clips, and personal electronic storage capacity that are provided independently or that are not packaged with Internet access.

(c) The term does not include:

(1) voice, audio, or video programming; or

(2) other products and services, except services described in subsection (a) or (b), that use Internet protocol or any successor protocol and for which there is a charge, regardless of whether the charge is separately stated or aggregated with the charge for services described in subsection (a) or (b).

SECTION 33. IC 8-1-1.1-6.1, AS AMENDED BY P.L.133-2013, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

UPON PASSAGE]: Sec. 6.1. (a) The consumer counselor may employ and fix the compensation of, with the approval of the governor and the budget agency, accountants, utility economists, engineers, attorneys, stenographers, or other assistance necessary to carry out the duties of the office. The compensation of the consumer counselor and the counselor's staff shall be paid from an appropriation made for that purpose by the general assembly, or with the approval of the governor and the budget agency, from a contingency fund established under IC 8-1-6-1.

(b) The consumer counselor may make use of engineers, experts, and accountants employed by the commission or the Indiana department of transportation and direct them to make appraisals and audits in the performance of the consumer counselor's duties under this chapter and IC 8-1-1 and IC 8-1-2. In so doing, the consumer counselor shall have access to the records and files of the commission or the Indiana department of transportation.

(c) The consumer counselor may employ, with the approval of the governor and the budget agency, additional stenographers, examiners, experts, engineers, assistant counselors, accountants, and consulting firms with expertise in utility, motor carrier, or railroad economics or management or both, at salaries and compensation and for a length of time as the governor and the budget agency may approve for a particular case or investigation. The compensation for the additional personnel together with the cost of transportation, hotel, telegram, and telephone bills while traveling on public business shall be paid from the expert witness fee account, or, with the approval of the governor and the budget agency, from a contingency fund established under IC 8-1-6-1 on warrants drawn by the auditor of state, sworn to by the parties who incurred the expenses.

(d) Expenses incurred by the regular staff of the office and approved by the consumer counselor, or an expense incurred by the commission or the Indiana department of transportation under subsection (b), shall be charged and paid in the manner provided in IC 8-1-2-70 or IC 8-1-6, whichever is appropriate under the circumstances.

(e) Nothing in this chapter may be construed to prevent a party interested in a proceeding, suit, or action from appearing in person or from being represented by counsel.

(f) Persons hired by the consumer counselor as provided by this section are exempt from the job classifications and compensation schedules established under IC 4-15.

(g) The consumer counselor may purchase, lease, or otherwise acquire sufficient technical equipment necessary for the consumer

counselor to carry out the consumer counselor's statutory duties.

(h) The consumer counselor may submit to the budget agency a request for funds sufficient to carry out any new duties or responsibilities created under IC 8-1-39-12(b). The consumer counselor shall include in its annual report to the ~~regulatory flexibility committee:~~ **interim study committee on energy, utilities, and telecommunications:**

(1) a description of its activities under IC 8-1-39-12(b); and

(2) a summary of the costs associated with those activities.

SECTION 34. IC 8-1-2.6-13, AS AMENDED BY P.L.107-2014, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: 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) 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) 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) 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) Perform any of the functions described in section 1.5(b) of this chapter.

(7) 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) 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) 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(f)~~ **4(e)** of this chapter, any information needed by the commission to prepare the commission's report to the ~~regulatory flexibility committee~~ **interim study committee on energy, utilities, and telecommunications** under section 4 of this chapter.

(10) 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) 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) 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 35. IC 8-1-8.5-9, AS AMENDED BY P.L.246-2015, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. (a) For purposes of this section, "DSM order" refers to an order of the commission that establishes or approves:

(1) energy efficiency targets or goals for electricity suppliers; or

(2) an energy efficiency program sponsored by an electricity supplier.

The term includes the December 9, 2009, order of the commission concerning demand side management programs.

(b) For purposes of this section, "electricity supplier" has the meaning set forth in IC 8-1-2.3-2(b).

(c) For purposes of this section, "energy efficiency program" means a program that is:

(1) sponsored by an electricity supplier or a third party administrator; and

(2) designed to implement energy efficiency improvements (as defined in 170 IAC 4-8-1(j)) for customers.

The term does not include a program designed primarily to reduce demand.

(d) For purposes of this section, "energy efficiency program costs" include:

(1) program costs;

(2) lost revenues; and

(3) incentives approved by the commission.

(e) For purposes of this section, "industrial customer" means a person that receives services at a single site constituting more than one (1) megawatt of electric capacity from an electricity supplier.

(f) An industrial customer may opt out of participating in an energy efficiency program that is established by an electricity supplier by providing notice to the electricity supplier. Except as provided in subsection (g), an electricity supplier may not charge an industrial customer that opts out rates that include energy efficiency program costs that accrue or are incurred after the date on which the industrial customer opts out. However, an industrial customer remains liable for rates that include energy efficiency program costs that accrued or were incurred, or related to investments made, before the date on which the industrial customer opts out, regardless of the date on which the rates are actually assessed against the industrial customer.

(g) An industrial customer that opts out of participating in an energy efficiency program may subsequently opt to participate in the same or a different energy efficiency program. The industrial customer must participate in the subsequent energy efficiency program for at least three (3) years after the date on which the industrial customer opts in. If the industrial customer terminates participation in the subsequent energy efficiency program during the three (3) year period described in this subsection, the industrial customer shall continue paying energy efficiency program rates, including costs described in subsection (f), for the remainder of the three (3) year period.

(h) Energy efficiency targets or goals that are approved or mandated by the commission in a DSM order must be calculated to exclude all load from an industrial customer that opts out under subsection (f).

(i) The commission may adopt:

(1) rules under IC 4-22-2; or

(2) guidelines;

to assist electricity suppliers and industrial customers in complying with this section.

~~(j) Not later than August 15, 2014, the commission shall prepare a status report on all energy efficiency programs implemented under the DSM order issued by the commission on December 9, 2009. The commission shall provide the status report in an electronic format under IC 5-14-6 to the interim study committee on energy, utilities, and telecommunications established by IC 2-5-1.3-4 and to the legislative council. The status report must consider the following:~~

~~(1) The status and effectiveness of all energy efficiency programs, including whether efficiency gains attributable to a federal conservation program are being measured as part of an energy efficiency program implemented under the 2009 DSM order.~~

~~(2) The degree to which energy efficiency program costs are shifted among customer classes.~~

~~(3) Program costs to date.~~

~~(4) Program costs projected to be incurred in complying with all DSM orders.~~

~~(5) The actual impact of program costs on all customer rates and the projected impact of program costs on all customer rates upon full implementation of the 2009 DSM order.~~

~~(6) Current and projected costs and benefits of current and anticipated energy efficiency programs, including costs and benefits associated with third party administrators and evaluation, measurement, and verification contractors.~~

~~(7) The effectiveness of energy efficiency programs in reducing energy consumption and demand.~~

~~(8) Methods by which the cost effectiveness and long term resource value of energy efficiency programs may be measured to assess the effect on rates and charges for all customers.~~

~~(9) Methods by which the interests of customers and electricity suppliers may be better aligned.~~

~~(10) Any additional information or recommendations the commission determines is necessary.~~

~~This subsection expires December 31, 2014.~~

~~(k)~~ **(j)** The commission may not:

(1) extend, renew, or require the establishment of an energy efficiency program under; or

(2) after December 31, 2014, require an electricity supplier to meet a goal or target established in;

the DSM order issued by the commission on December 9, 2009. An

electricity supplier may not renew or extend an existing contract or enter into a new contract with a statewide third party administrator for an energy efficiency program established or approved by the DSM order issued by the commission on December 9, 2009.

~~(l)~~ **(k)** After December 31, 2014, an electricity supplier may continue to timely recover energy efficiency program costs that:

(1) accrued or were incurred under or relate to an energy efficiency program implemented under the DSM order issued by the commission on December 9, 2009; and

(2) are approved by the commission for recovery.

~~(m)~~ **(l)** After December 31, 2014, an electricity supplier may offer a cost effective portfolio of energy efficiency programs to customers. An electricity supplier may submit a proposed energy efficiency program to the commission for review. If an electricity supplier submits a proposed energy efficiency program for review and the commission determines that the portfolio included in the proposed energy efficiency program is reasonable and cost effective, the electricity supplier may recover energy efficiency program costs in the same manner as energy efficiency program costs were recoverable under the DSM order issued by the commission on December 9, 2009. The commission may not:

(1) require an energy efficiency program to be implemented by a third party administrator; or

(2) in making its determination, consider whether a third party administrator implements the energy efficiency program.

~~(n)~~ **(m)** This section does not affect:

(1) an energy efficiency program offered by an energy utility (as defined in IC 8-1-2.5-2) that is not an electricity supplier; or

(2) the manner in or means by which an energy utility described in subdivision (1) may recover costs associated with an energy efficiency program described in subdivision (1).

SECTION 36. IC 8-1-34-23, AS AMENDED BY P.L.7-2015, SECTION 16, AND AS AMENDED BY P.L.228-2015, SECTION 1, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 23. (a) Except as provided in subsection (b), the holder of a certificate under this chapter shall, at the end of each calendar quarter, determine under subsections (c) and (d) the gross revenue received during that quarter from the holder's provision of video service in each unit included in the holder's service area under the certificate.

(b) This subsection applies to a holder or other provider providing video service in a unit in which a provider of video service is required on June 30, 2006, to pay a franchise fee based on a percentage of gross

revenues. The holder's or provider's gross revenue shall be determined as follows:

(1) If only one (1) local franchise is in effect on June 30, 2006, the holder or provider shall determine gross revenue as the term is defined in the local franchise in effect on June 30, 2006.

(2) If:

(A) more than one (1) local franchise is in effect on June 30, 2006; and

(B) the holder or provider is subject to a local franchise in the unit on June 30, 2006;

the holder or provider shall determine gross revenue as the term is defined in the local franchise to which the holder or provider is subject on June 30, 2006.

(3) If:

(A) more than one (1) local franchise is in effect on June 30, 2006; and

(B) the holder is not subject to a local franchise in the unit on June 30, 2006;

the holder shall determine gross revenue as the term is defined in the local franchise in effect on June 30, 2006, that is most favorable to the unit.

(c) This subsection does not apply to a holder that is required to determine gross revenue under subsection (b). The holder shall include the following in determining the gross revenue received during the quarter with respect to a particular unit:

(1) Fees and charges charged to subscribers for video service provided by the holder. Fees and charges under this subdivision include the following:

(A) Recurring monthly charges for video service.

(B) Event based charges for video service, including pay per view and video on demand charges.

(C) Charges for the rental of set top boxes and other equipment.

(D) Service charges related to the provision of video service, including activation, installation, repair, and maintenance charges.

(E) Administrative charges related to the provision of video service, including service order and service termination charges.

(2) Revenue received by an affiliate of the holder from the affiliate's provision of video service, to the extent that treating the revenue as revenue of the affiliate, instead of revenue of the

holder, would have the effect of evading the payment of fees that would otherwise be paid to the unit. However, revenue of an affiliate may not be considered revenue of the holder if the revenue is otherwise subject to fees to be paid to the unit.

(d) This subsection does not apply to a holder that is required to determine gross revenue under subsection (b). The holder shall not include the following in determining the gross revenue received during the quarter with respect to a particular unit:

(1) Revenue not actually received, regardless of whether it is billed. Revenue described in this subdivision includes bad debt.

(2) Revenue received by an affiliate or any other person in exchange for supplying goods and services used by the holder to provide video service under the holder's certificate.

(3) Refunds, rebates, or discounts made to subscribers, advertisers, the unit, or other providers leasing access to the holder's facilities.

(4) Revenue from providing service other than video service, including revenue from providing:

(A) telecommunications service (as defined in ~~*47 U.S.C. 153(46)),*~~ *47 U.S.C. 153);*

(B) information service (as defined in ~~*47 U.S.C. 153(20)),*~~ *47 U.S.C. 153),* other than video service; or

(C) any other service not classified as cable service or video programming by the Federal Communications Commission.

(5) Any fee imposed on the holder under this chapter that is passed through to and paid by subscribers, including the franchise fee:

(A) imposed under section 24 of this chapter for the quarter immediately preceding the quarter for which gross revenue is being computed; and

(B) passed through to and paid by subscribers during the quarter for which gross revenue is being computed.

(6) Revenue from the sale of video service for resale in which the purchaser collects a franchise fee under:

(A) this chapter; or

(B) a local franchise agreement in effect on July 1, 2006;

from the purchaser's customers. This subdivision does not limit the authority of a unit, or the commission on behalf of a unit, to impose a tax, fee, or other assessment upon the purchaser under 47 U.S.C. 542(h).

(7) Any tax of general applicability:

(A) imposed on the holder or on subscribers by a federal, state,

or local governmental entity; and

(B) required to be collected by the holder and remitted to the taxing entity;

including the state gross retail and use taxes (IC 6-2.5) and the utility receipts tax (IC 6-2.3).

(8) Any forgone revenue from providing free or reduced cost cable video service to any person, including:

(A) employees of the holder;

(B) the unit; or

(C) public institutions, public schools, or other governmental entities, as required or permitted by this chapter or by federal law.

However, any revenue that the holder chooses to forgo in exchange for goods or services through a trade or barter arrangement shall be included in gross revenue.

(9) Revenue from the sale of:

(A) capital assets; or

(B) surplus equipment that is not used by the purchaser to receive video service from the holder.

(10) Reimbursements that:

(A) are made by programmers to the holder for marketing costs incurred by the holder for the introduction of new programming; and

(B) exceed the actual costs incurred by the holder.

(11) Late payment fees collected from customers.

(12) Charges, other than those described in subsection (c)(1), that are aggregated or bundled with charges described in subsection (c)(1) on a customer's bill, if the holder can reasonably identify the charges on the books and records by the holder in the regular course of business.

(e) If, under the terms of the holder's certificate, the holder provides video service to any unincorporated area in Indiana, the holder shall calculate the holder's gross income received from each unincorporated area served in accordance with:

(1) subsection (b); or

(2) subsections (c) and (d);

whichever is applicable.

(f) If a unit served by the holder under a certificate annexes any territory after the certificate is issued or renewed under this chapter, the holder shall:

(1) include in the calculation of gross revenue for the annexing unit any revenue generated by the holder from providing video

service to the annexed territory; and

(2) subtract from the calculation of gross revenue for any unit or unincorporated area:

(A) of which the annexed territory was formerly a part; and

(B) served by the holder before the effective date of the annexation;

the amount of gross revenue determined under subdivision (1); beginning with the calculation of gross revenue for the calendar quarter in which the annexation becomes effective. The holder shall notify the commission of the new boundaries of the affected service areas as required under section 20(a)(7) of this chapter.

(g) This subsection applies to a unit that:

(1) annexes territory after December 31, 2015; and

(2) is served on the date of the annexation by the holder of a certificate that is issued or renewed under this chapter before the date of the annexation.

The unit shall provide the holder a list of all addresses located within the annexed territory not more than thirty (30) days after the date of the annexation. If the holder is required to pay the franchise fee imposed and calculated under this section, the holder is not required to pay the franchise fee with respect to addresses provided under this subsection until ninety (90) days after the unit provides the holder with the addresses under this subsection.

SECTION 37. IC 8-1.5-2-5, AS AMENDED BY P.L.68-2015, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) Each appraiser appointed as provided by section 4 of this chapter must:

(1) by education and experience, have such expert and technical knowledge and qualifications as to make a proper appraisal and valuation of the property of the type and nature involved in the sale;

(2) be a disinterested person; and

(3) not be a resident or taxpayer of the municipality.

(b) The appraisers shall:

(1) be sworn to make a just and true valuation of the property; and

(2) return their appraisal, in writing, to the municipal legislative body within the time fixed by the ordinance or resolution appointing them.

(c) If all three (3) appraisers cannot agree as to the appraised value, the appraisal, when signed by two (2) of the appraisers, constitutes a good and valid appraisal.

(d) If, after the return of the appraisal by the appraisers to the

legislative body, the legislative body decides to proceed with the sale or disposition of the nonsurplus municipally owned utility property, the legislative body shall, not earlier than the thirty (30) day period described in subsection (e) and not later than ninety (90) days after the return of the appraisal, hold a public hearing to do the following:

(1) Review and explain the appraisal.

(2) Receive public comment on the proposed sale or disposition of the nonsurplus municipally owned utility property.

Not less than thirty (30) days or more than sixty (60) days after the date of a hearing under this section, the legislative body may adopt an ordinance providing for the sale or disposition of the nonsurplus municipally owned utility property, subject to subsections (f) and (g). The legislative body is not required to adopt an ordinance providing for the sale or disposition of the nonsurplus municipally owned utility property if, after the hearing, the legislative body determines it is not in the interest of the municipality to proceed with the sale or disposition. Notice of a hearing under this section shall be published in the manner prescribed by IC 5-3-1.

(e) The hearing on the proposed sale or disposition of the nonsurplus municipally owned utility property may not be held less than thirty (30) days after notice of the hearing is given as required by subsection (d).

(f) Subject to subsection (j), an ordinance adopted under subsection (d) does not take effect until the later of the following:

(1) The expiration of the thirty (30) day period described in subsection (g) if the required number of registered voters set forth in subsection (h) do not sign and present a petition to the legislative body opposing the sale or disposition within the thirty (30) day period described in subsection (g).

(2) The effective date specified by the legislative body in the ordinance.

(g) If:

(1) the legislative body adopts an ordinance under subsection (d); and

(2) not later than thirty (30) days after the date the ordinance is adopted at least the number of the registered voters of the municipality set forth in subsection (h) sign and present a petition to the legislative body opposing the sale or disposition;

the legislative body shall submit the question as to whether the sale or disposition shall be made to the voters of the municipality at a special or general election. In submitting the public question to the voters, the legislative body shall certify within the time set forth in IC 3-10-9-3, if

applicable, the question to the county election board of the county containing the greatest percentage of population of the municipality. The county election board shall adopt a resolution setting forth the text of the public question and shall submit the question as to whether the sale or disposition shall be made to the voters of the municipality at a special or general election on a date specified by the municipal legislative body. Pending the results of an election under this subsection, the municipality may not take further action to sell or dispose of the property as provided in the ordinance.

(h) The number of signatures required on a petition opposing the sale or disposition under subsection (g) is as follows:

(1) In a municipality with not more than one thousand (1,000) registered voters, thirty percent (30%) of the registered voters.

(2) In a municipality with at least one thousand one (1,001) registered voters and not more than five thousand (5,000) registered voters, fifteen percent (15%) of the registered voters.

(3) In a municipality with at least five thousand one (5,001) registered voters and not more than twenty-five thousand (25,000) registered voters, ten percent (10%) of the registered voters.

(4) In a municipality with at least twenty-five thousand one (25,001) registered voters, five percent (5%) of the registered voters.

(i) If a majority of the voters voting on the question vote for the sale or disposition, the legislative body shall proceed to sell or dispose of the property as provided in the ordinance.

(j) If a majority of the voters voting on the question vote against the sale or disposition, the ordinance adopted under subsection (d) does not take effect and the sale or disposition may not be made.

(k) If:

(1) the legislative body adopts an ordinance under subsection (d); and

(2) after the expiration of the thirty (30) day period described in subsection (g), a petition is not filed;

the municipal legislative body may proceed to sell the property as provided in the ordinance.

(l) Notwithstanding the procedures set forth in this section, if: ~~a municipality:~~

(1) before July 1, 2015, **a municipality** adopts an ordinance under this section for the sale or disposition of nonsurplus municipally owned utility property in accordance with the procedures set forth in this section before its amendment on July 1, 2015; and

(2) the ordinance adopted takes effect before July 1, 2015, in

accordance with the procedures set forth in this section before its amendment on July 1, 2015;

the ordinance is not subject to challenge under subsection (g) after June 30, 2015, regardless of whether the thirty (30) day period described in subsection (g) expires after June 30, 2015. An ordinance described in this subsection is effective for all purposes and is legalized and validated.

SECTION 38. IC 8-15.5-1-2, AS AMENDED BY P.L.213-2015, SECTION 103, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: 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.

(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) ~~Except as provided in subsection (c)(1),~~ 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) Communications systems infrastructure, including:

(A) towers and associated land, improvements, foundations, access roads and rights-of-way, structures, fencing, and equipment necessary, proper, or convenient to enable the towers to function as part of the communications system;

(B) any equipment necessary, proper, or convenient to transmit and receive voice and data communications; and

(C) any other necessary, proper, or convenient elements of the communications system.

(3) Larue D. Carter Memorial Hospital in Indianapolis.

(g) The authority shall transfer money received from an operator under a lease agreement for communications systems infrastructure under ~~subdivision~~ **subsection** (f)(2) to the state bicentennial capital account established under IC 4-12-1-14.9.

SECTION 39. IC 10-18-1-2, AS AMENDED BY P.L.133-2012,

SECTION 65, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) The Indiana war memorials commission is established.

(b) ~~Beginning July 1, 2015,~~ The commission consists of nine (9) members. Each Indiana congressional district must be represented by at least one (1) member who is:

(1) a resident of that congressional district;

(2) a veteran of service in the armed forces of the United States of America in time of war;

(3) a citizen of Indiana at the time of the service; and

(4) appointed:

(A) in the manner;

(B) for the terms;

(C) to have the powers; and

(D) to perform the duties;

as provided in this chapter.

(c) The commission:

(1) as the commission and in the commission's name, may prosecute and defend suits; and

(2) has all other duties, rights, and powers that are:

(A) necessary to implement this chapter; and

(B) not inconsistent with this chapter.

(d) The members of the commission are not liable in their individual capacity, except to the state, for any act done or omitted in connection with the performance of their duties under this chapter.

(e) A suit against the commission must be brought in a court with jurisdiction in Marion County. Notice or summons of the suit shall be served upon the president, vice president, or secretary of the commission. In a suit against the commission, it is not necessary to name the individual members of the commission as either plaintiff or defendant. Commission members may sue and be sued in the name of the Indiana war memorials commission.

(f) The commission shall:

(1) report to the governor through the adjutant general; and

(2) be under the adjutant general for administrative supervision.

~~(g) The reduction in the membership of the commission from ten (10) to nine (9) under subsection (b) shall be accomplished as the terms of members end and new members are appointed. This subsection expires July 1, 2015.~~

SECTION 40. IC 11-12-2-1, AS AMENDED BY P.L.209-2015, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) For the purpose of encouraging counties

to develop a coordinated local corrections-criminal justice system and providing effective alternatives to imprisonment at the state level, the commissioner shall, out of funds appropriated for such purposes, make grants to counties for the establishment and operation of community corrections programs and court supervised recidivism reduction programs. Appropriations intended for this purpose may not be used by the department for any other purpose. Money appropriated to the department of correction for the purpose of making grants under this chapter and any financial aid payments suspended under section 6 of this chapter do not revert to the state general fund at the close of any fiscal year, but remain available to the department of correction for its use in making grants under this chapter.

(b) Before March 1 of each year, the department shall estimate the amount of any operational cost savings that will be realized in the state fiscal year ending June 30 from a reduction in the number of individuals who are in the custody or made a ward of the department of correction (as described in IC 11-8-1-5) that is attributable to the sentencing changes made in HEA 1006-2014 as enacted in the 2014 session of the general assembly. The department shall make the estimate under this subsection based on the best available information. If the department estimates that operational cost savings described in this subsection will be realized in the state fiscal year, the following apply to the department:

(1) The department shall certify the estimated amount of operational cost savings that will be realized to the budget agency and to the auditor of state.

(2) The department may, after review by the budget committee and approval by the budget agency, make additional grants as provided in this chapter to counties for the establishment and operation of community corrections programs and court supervised recidivism reduction programs from funds appropriated to the department for the department's operating expenses for the state fiscal year.

(3) The maximum aggregate amount of additional grants and transfers that may be made by the department under subdivision (2) for the state fiscal year may not exceed the lesser of:

(A) the amount of operational cost savings certified under subdivision (1); or

(B) eleven million dollars ($11,000,000).

Notwithstanding P.L.205-2013 (HEA 1001-2013), the amount of funds necessary to make any additional grants authorized and approved under this subsection and for any transfers authorized and approved under

this subsection, and for providing the additional financial aid to courts from transfers authorized and approved under this subsection, is appropriated for those purposes for the state fiscal year, and the amount of the department's appropriation for operating expenses for the state fiscal year is reduced by a corresponding amount.

(c) The commissioner shall give priority in issuing community corrections and court supervised recidivism reduction program grants to programs that provide alternative sentencing projects for persons with mental illness, addictive disorders, intellectual disabilities, and developmental disabilities. Programs for addictive disorders may include:

(1) addiction counseling;

(2) inpatient detoxification; **and**

(3) medication assisted treatment, including a federal Food and Drug Administration approved long acting, nonaddictive medication for the treatment of opioid or alcohol dependence.

(d) Grants awarded under this chapter:

(1) must focus on funding evidence based programs, including programs that address cognitive behavior, that have as a primary goal the purpose of reforming offenders; and

(2) may be used for technology based programs, including an electronic monitoring program.

(e) Before the tenth day of each month, the department shall compile the following information with respect to the previous month:

(1) The number of persons committed to the department.

(2) The number of persons:

(A) confined in a department facility;

(B) participating in a community corrections program; and

(C) confined in a local jail under contract with or on behalf of the department.

(3) For each facility operated by the department:

(A) the number of beds in each facility;

(B) the number of inmates housed in the facility;

(C) the highest felony classification of each inmate housed in the facility; and

(D) a list of all felonies for which persons housed in the facility have been sentenced.

(f) The department shall:

(1) quarterly submit a report to the budget committee; and

(2) monthly submit a report to the justice reinvestment advisory council (as established in IC 33-38-9.5-2);

of the information compiled by the department under subsection (e).

The report to the budget committee must be submitted in a form approved by the budget committee, and the report to the advisory council must be in a form approved by the advisory council.

SECTION 41. IC 11-13-1-8, AS AMENDED BY P.L.179-2015, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) As used in this section, "board" refers to the board of directors of the judicial conference of Indiana established by IC 33-38-9-3.

(b) The board shall adopt rules consistent with this chapter, prescribing minimum standards concerning:

(1) educational and occupational qualifications for employment as a probation officer;

(2) compensation of probation officers;

(3) protection of probation records and disclosure of information contained in those records;

(4) presentence investigation reports;

(5) a schedule of progressive probation incentives and violation sanctions, including judicial review procedures; and

(6) qualifications for probation officers to administer probation violation sanctions under IC 35-38-2-3(e).

(c) The conference shall prepare a written examination to be used in establishing lists of persons eligible for appointment as probation officers. The conference shall prescribe the qualifications for entrance to the examination and establish a minimum passing score and rules for the administration of the examination after obtaining recommendations on these matters from the probation standards and practices advisory committee. The examination must be offered at least once every other month.

(d) The conference shall, by its rules, establish an effective date for the minimum standards and written examination for probation officers.

(e) The conference shall provide probation departments with training and technical assistance for:

(1) the implementation and management of probation case classification; and

(2) the development and use of workload information.

The staff of the Indiana judicial center may include a probation case management coordinator and probation case management assistant.

(f) The conference shall, in cooperation with the department of child services and the department of education, provide probation departments with training and technical assistance relating to special education services and programs that may be available for delinquent children or children in need of services. The subjects addressed by the

training and technical assistance must include the following:

(1) Eligibility standards.

(2) Testing requirements and procedures.

(3) Procedures and requirements for placement in programs provided by school corporations or special education cooperatives under IC 20-35-5.

(4) Procedures and requirements for placement in residential special education institutions or facilities under IC 20-35-6-2. ~~and 511 IAC 7-27-12.~~

(5) Development and implementation of individual education programs for eligible children in:

(A) accordance with applicable requirements of state and federal laws and rules; and

(B) coordination with:

(i) individual case plans; and

(ii) informal adjustment programs or dispositional decrees entered by courts having juvenile jurisdiction under IC 31-34 and IC 31-37.

(6) Sources of federal, state, and local funding that is or may be available to support special education programs for children for whom proceedings have been initiated under IC 31-34 and IC 31-37.

Training for probation departments may be provided jointly with training provided to child welfare caseworkers relating to the same subject matter.

(g) The conference shall, in cooperation with the division of mental health and addiction (IC 12-21) and the division of disability and rehabilitative services (IC 12-9-1), provide probation departments with training and technical assistance concerning mental illness, addictive disorders, intellectual disabilities, and developmental disabilities, including evidence based treatment programs for mental illness and addictive disorders and cognitive behavior treatment.

(h) The conference shall make recommendations to courts and probation departments concerning:

(1) selection, training, distribution, and removal of probation officers;

(2) methods and procedure for the administration of probation, including investigation, supervision, workloads, record keeping, and reporting; and

(3) use of citizen volunteers and public and private agencies.

(i) The conference may delegate any of the functions described in this section to the advisory committee or the Indiana judicial center.

SECTION 42. IC 12-7-2-64, AS AMENDED BY P.L.110-2010, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 64. "Director" refers to the following:

(1) With respect to a particular division, the director of the division.

(2) With respect to a particular state institution, the director who has administrative control of and responsibility for the state institution.

~~(3) For purposes of IC 12-8-12.5, the term refers to the director of the division of family resources.~~

~~(4)~~ **(3)** For purposes of IC 12-10-15, the term refers to the director of the division of aging.

~~(5)~~ **(4)** For purposes of IC 12-25, the term refers to the director of the division of mental health and addiction.

~~(6)~~ **(5)** For purposes of IC 12-26, the term:

(A) refers to the director who has administrative control of and responsibility for the appropriate state institution; and

(B) includes the director's designee.

~~(7)~~ **(6)** If subdivisions (1) through ~~(6)~~ **(5)** do not apply, the term refers to the director of any of the divisions.

SECTION 43. IC 12-7-2-146, AS AMENDED BY P.L.145-2014, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 146. "Program" refers to the following:

~~(1) For purposes of IC 12-8-12.5, the meaning set forth in IC 12-8-12.5-1.~~

~~(2)~~ **(1)** For purposes of IC 12-10-7, the adult guardianship services program established by IC 12-10-7-5.

~~(3)~~ **(2)** For purposes of IC 12-10-10, the meaning set forth in IC 12-10-10-5.

~~(4)~~ **(3)** For purposes of IC 12-10-10.5, the meaning set forth in IC 12-10-10.5-4.

~~(5)~~ **(4)** For purposes of IC 12-17.2-2-14.2, the meaning set forth in IC 12-17.2-2-14.2(a).

~~(6)~~ **(5)** For purposes of IC 12-17.2-3.6, the meaning set forth in IC 12-17.2-3.6-7.

~~(7)~~ **(6)** For purposes of IC 12-17.2-3.8, the meaning set forth in IC 12-17.2-3.8-2.

~~(8)~~ **(7)** For purposes of IC 12-17.6, the meaning set forth in IC 12-17.6-1-5.

SECTION 44. IC 12-7-2-184.3 IS REPEALED [EFFECTIVE UPON PASSAGE]. ~~Sec. 184.3. "State match", for purposes of IC 12-8-12.5, means funding that counts toward the state's maintenance~~

~~of effort under TANF (45 CFR 265) to obtain the maximum reimbursement available to the state from the TANF emergency fund under Division B, Title II, Subtitle B of the federal American Recovery and Reinvestment Act of 2009.~~

SECTION 45. IC 12-7-2-189.7, AS AMENDED BY P.L.110-2010, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 189.7. "TANF", for purposes of IC 12-20, ~~and IC 12-8-12.5,~~ refers to the federal Temporary Assistance for Needy Families program under 42 U.S.C. 601 et seq.

SECTION 46. IC 13-18-5.5-9, AS ADDED BY P.L.112-2015, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. (a) Except as provided in subsection (c) and sections 10(b)(3) and 11 of this chapter, the owner or operator of an above ground storage tank located in a critical zone of concern shall report to the department the following information concerning the AST:

(1) The location of the AST.
(2) The materials stored in the AST.
(3) The capacity of the AST.
(4) The name and contact information of a person who may be contacted for information about the AST.

The owner or operator shall submit the report before January 1, 2016.

(b) After submitting a report under subsection (a), the owner or operator of an above ground storage tank shall submit to the department a supplemental report concerning the AST whenever:

(1) the location of the AST;
(2) the classification of the materials stored in the AST;
(3) the capacity of the AST; or
(4) the name or contact information of the person who may be contacted for information about the AST;

is changed, so that the information concerning the AST in the possession of the department will remain accurate.

(c) If the owner or operator of an above ground storage tank has reported the existence of the AST to the department or another agency of the state pursuant to another statute or administrative rule, the owner or operator is not required to report to the department concerning the AST under this chapter.

(d) The owner or operator of an above ground storage tank who is required to report under this chapter shall report to the department concerning the AST:

(1) according to rules adopted by the board under section 10 of this chapter; and

(2) either:

(A) on a form adopted by the board or the department; or

(B) through an electronic mail or Internet based means established by the board or the department;

until rules concerning reporting are adopted under section ~~9~~ **10** of this chapter.

SECTION 47. IC 16-18-2-317.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 317.5. "Residence", for purposes of IC 16-21-12, has the meaning set forth in IC 16-21-12-6.**

SECTION 48. IC 16-41-8-1, AS AMENDED BY P.L.158-2013, SECTION 241, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) As used in this chapter, "potentially disease transmitting offense" means any of the following:

(1) Battery ~~(IC 35-42-2-1(b)(2)).~~ **involving placing a bodily fluid or waste on another person (IC 35-42-2-1).**

(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 disease that is a danger to health (as defined under rules adopted 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 49. IC 16-41-8-5, AS AMENDED BY P.L.158-2013, SECTION 242, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: 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" 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 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 diseases. If the defendant is charged with battery ~~(IC 35-42-2-1(b)(2)),~~ **involving placing a bodily fluid or waste on another person (IC 35-42-2-1),** 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 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 diseases. If the defendant is charged with battery ~~(IC 35-42-2-1(b)(2)),~~ **involving placing bodily fluid or waste on another person (IC 35-42-2-1),** 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 50. IC 21-13-1-5, AS AMENDED BY P.L.205-2013, SECTION 315, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. "Fund":

(1) for purposes of IC 21-13-2, refers to the minority teacher scholarship fund established by IC 21-13-2-1;

(2) for purposes of IC 21-13-4, refers to the National Guard tuition supplement program fund established by IC 21-13-4-1;

(3) for purposes of IC 21-13-5, refers to the National Guard scholarship extension fund established by IC 21-13-5-1; ~~and~~

(4) for purposes of IC 21-13-6, refers to the primary care physician loan forgiveness fund established by IC 21-13-6-3; **and**

(5) for purposes of IC 21-13-6.5, refers to the medical residency education fund established by IC 21-13-6.5-1.

SECTION 51. IC 21-38-3-3, AS AMENDED BY P.L.241-2015, SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. The board of trustees of Ball State University may define the duties and provide compensation for faculty and staff of the university. Subject to IC 5-10.2-2-20 ~~and IC 5-10.2-2-21,~~ **through IC 5-10.2-2-22,** the authority of the board under this section includes the authority to establish fringe benefit programs, including retirement benefits, that may be supplemental to, or instead of, state retirement programs for teachers or other public employees as authorized by law.

SECTION 52. IC 21-38-3-4, AS AMENDED BY P.L.241-2015, SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. The board of trustees of Indiana University may:

(1) elect a president, the professors, and other officers for Indiana University as necessary and prescribe the duties and salaries of those positions;

(2) employ other persons as necessary; and

(3) subject to IC 5-10.2-2-20 ~~and IC 5-10.2-2-21,~~ **through IC 5-10.2-2-22,** establish programs of fringe benefits and retirement benefits for Indiana University's officers, faculty, and other employees that may be supplemental to, or instead of, state retirement programs established by statute for public employees.

SECTION 53. IC 21-38-3-5, AS AMENDED BY P.L.241-2015, SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. The board of trustees of Indiana State University may prescribe the duties and provide the compensation, including retirement and other benefits, of the faculty, administration, and employees of Indiana State University. The authorization under this section to provide retirement benefits to the faculty, administration, and employees of Indiana State University is subject to IC 5-10.2-2-20 ~~and IC 5-10.2-2-21.~~ **through IC 5-10.2-2-22.**

SECTION 54. IC 21-38-3-7, AS AMENDED BY P.L.241-2015, SECTION 40, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. The board of trustees of Ivy Tech Community College may do the following:

(1) Develop a statewide salary structure and classification system, including provisions for employee group insurance, employee

benefits, and personnel policies.

(2) Employ the chief administrator of each region.

(3) Authorize the chief administrator of a region to employ the necessary personnel for the region, determine qualifications for positions, and fix compensation for positions in accordance with statewide policies established under subdivision (1).

The authorizations under this section to provide for employee benefits and compensation are subject to IC 5-10.2-2-20 ~~and IC 5-10.2-2-21.~~ **through IC 5-10.2-2-22.**

SECTION 55. IC 21-38-3-8, AS AMENDED BY P.L.241-2015, SECTION 41, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. The board of trustees of Purdue University may elect all professors and teachers, removable at the board's pleasure; fix and regulate compensations, including programs of fringe benefits and retirement benefits that may be supplemental to or in lieu of state retirement programs established by statute for public employees. The authorization to provide retirement benefits under this section is subject to IC 5-10.2-2-20 ~~and IC 5-10.2-2-21.~~ **through IC 5-10.2-2-22.**

SECTION 56. IC 21-38-3-9, AS AMENDED BY P.L.241-2015, SECTION 42, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. The University of Southern Indiana may employ a faculty and staff for the university, define the duties of the faculty and staff, and provide compensation for the faculty and staff, including a program of fringe benefits and a program of retirement benefits that may supplement or supersede the state retirement programs established by statute for teachers or other public employees. The authorization to provide retirement benefits under this section is subject to IC 5-10.2-2-20 ~~and IC 5-10.2-2-21.~~ **through IC 5-10.2-2-22.**

SECTION 57. IC 21-38-3-11, AS AMENDED BY P.L.241-2015, SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. The board of trustees of Vincennes University may elect and appoint persons of suitable learning and talents to be president and professors of Vincennes University and, subject to IC 5-10.2-2-20 ~~and IC 5-10.2-2-21,~~ **through IC 5-10.2-2-22,** agree with them for their salaries and emoluments. The board of trustees shall appoint a president to preside over and govern Vincennes University.

SECTION 58. IC 21-38-7-3, AS AMENDED BY P.L.241-2015, SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. Subject to IC 5-10.2-2-20 ~~and IC 5-10.2-2-21,~~ **through IC 5-10.2-2-22,** a state educational institution

may establish a retirement benefit system for the employees of the state educational institution.

SECTION 59. IC 21-44-1-8, AS AMENDED BY P.L.190-2015, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) Except as provided in subsection (b), "fund" refers to the family practice residency fund established by IC 21-44-5-18.

(b) "Fund", for purposes of IC 21-44-7, refers to the graduate medical education fund established by ~~IC 21-44-7-6.~~ **IC 21-44-7-8.**

SECTION 60. IC 22-4-14-3.5, AS ADDED BY P.L.195-2015, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3.5. (a) For purposes of section 3 of this chapter, reemployment services and reemployment and eligibility assessment activities provided to an individual:

(1) must include:

(A) orientation to the services available through a one stop center (as defined by ~~IC 22-4.5-2-6);~~ **IC 22-4.1-1-5);**

(B) provision of labor market and career information;

(C) assessment of the individual's workforce and other job related skills; and

(D) a review of the individual's work search efforts; and

(2) may include:

(A) comprehensive and specialized assessments;

(B) individual and group career counseling;

(C) training services;

(D) additional services to assist the individual in becoming reemployed;

(E) job search counseling;

(F) development and review of the individual's reemployment plan that includes the individual's participation in job search activities and appropriate workshops; and

(G) additional job skills assessments as needed.

(b) The department may require an individual participating in reemployment and eligibility assessment activities described in this section to provide proof of identity.

(c) If an individual has been determined to be likely to exhaust regular benefits and to need reemployment services under a profiling system established by the department, the department may require the individual to participate in additional services beyond those provided in subsection (a).

SECTION 61. IC 22-4.1-1-6, AS ADDED BY P.L.69-2015, SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

UPON PASSAGE]: Sec. 6. "WIOA" refers to the federal Workforce Innovation and Opportunity Act of 2014 ~~(P.L.113-128),~~ **(29 U.S.C. 3101 et seq.),** including reauthorizations of WIOA.

SECTION 62. IC 22-4.1-22-4, AS ADDED BY P.L.69-2015, SECTION 48, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) The council shall serve as the state advisory body required under the following federal laws:

(1) The Workforce Innovation and Opportunity Act of 2014 under ~~P.L.113-218,~~ **29 U.S.C. 3101 et seq.,** including reauthorizations of WIOA.

(2) The Wagner-Peyser Act under 29 U.S.C. 49 et seq.

(3) The Carl D. Perkins Vocational and ~~Applied Technology~~ **Technical Education Improvement** Act **of 2006** under 20 U.S.C. 2301 et seq.

(4) The Adult Education and Family Literacy Act under 20 U.S.C. 9201 et seq.

(b) In addition, the council may be designated to serve as the state advisory body required under any of the following federal laws upon approval of the particular state agency directed to administer the particular federal law:

(1) The National and Community Service Act of 1990 under 42 U.S.C. 12501 et seq.

(2) Part A of Title IV of the Social Security Act under 42 U.S.C. 601 et seq.

(3) The employment and training programs established under the Food Stamp Act of 1977 under 7 U.S.C. 2011 et seq.

(c) The council shall administer the minority training grant program established by section 11 of this chapter and the back home in Indiana program established by section 12 of this chapter.

SECTION 63. IC 22-4.1-22-5, AS ADDED BY P.L.69-2015, SECTION 48, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) Subject to subsections (b) and (c), the membership of the state workforce innovation council established under section 3 of this chapter consists of the representatives required by ~~the Workforce Investment Act (29 U.S.C. 2801 et seq.), including reauthorizations of the Act, and~~ WIOA and must represent the diverse regions of Indiana.

(b) The state superintendent of public instruction or the superintendent's designee serves as a member of the state workforce innovation council.

(c) An individual designated by the governor who has been nominated by a recognized adult education organization serves as a

member of the state workforce innovation council.

SECTION 64. IC 22-4.1-23-1, AS ADDED BY P.L.69-2015, SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) The department shall establish and maintain free public employment and training offices in such number and in such places as may be necessary:

(1) for the proper administration of this article and IC 22-4; and

(2) to perform all duties that are required by 29 U.S.C. 49 et seq. and 38 U.S.C. ~~2000~~ **4100** through ~~2014~~ **4114** and any amendments thereto.

(b) In connection with the duties described in subsection (a), the state agrees to the following:

(1) The state accepts the provisions of 29 U.S.C. 49 et seq. and 38 U.S.C. ~~2000~~ **4100** through ~~2014~~ **4114** in conformity with the terms of 29 U.S.C. 49 et seq. and 38 U.S.C. ~~2000~~ **4100** through ~~2014.~~ **4114.**

(2) The state commits itself to the observation of and compliance with the requirements of 29 U.S.C. 49 et seq. and 38 U.S.C. ~~2000~~ **4100** through ~~2014.~~ **4114.**

(3) The department is constituted the agency of the state for all purposes of 29 U.S.C. 49 et seq. and 38 U.S.C. ~~2000~~ **4100** through ~~2014.~~ **4114.**

(4) All duties and powers conferred upon any other department, agency, or officer of the state relating to the establishment, maintenance, and operation of free public employment offices shall be vested in the department.

(5) The department:

(A) shall cooperate with any official or agency of the United States having powers or duties under the provisions of 29 U.S.C. 49 et seq. and 38 U.S.C. ~~2000~~ **4100** through ~~2014;~~ **4114;** and

(B) is authorized and empowered to do and perform all things necessary to secure to the state the benefits of 29 U.S.C. 49 et seq. and 38 U.S.C. ~~2000~~ **4100** through ~~2014.~~ **4114.**

(6) The department may cooperate with or enter into agreements with the United States Railroad Retirement Board for the establishment, maintenance, and use of free employment service facilities.

(c) The department may do all acts and things necessary or proper to carry out the powers expressly granted under this article.

SECTION 65. IC 22-4.1-23-2, AS ADDED BY P.L.69-2015, SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

UPON PASSAGE]: Sec. 2. (a) All money received by the state under 29 U.S.C. 49 et seq. and 38 U.S.C. ~~2000~~ **4100** through ~~2014~~ **4114** shall be paid into the employment and training services administration fund.

(b) The money described in subsection (a) is available to the department to be expended as provided by this section and by 29 U.S.C. 49 et seq. and 38 U.S.C. ~~2000~~ **4100** through ~~2014.~~ **4114.**

(c) For the purpose of establishing and maintaining free public employment and training offices, the department is authorized to enter into agreements with:

(1) the United States Railroad Retirement Board;

(2) any agency of the United States charged with the administration of an unemployment compensation law;

(3) any political subdivision; or

(4) any private, nonprofit organization.

(d) As a part of an agreement described in subsection (c), the department may accept money, services, or facilities as a contribution to the employment and training services administration fund.

(e) The general assembly shall appropriate and make available to the department annually an amount sufficient to ensure the state receives its full share of funds under 29 U.S.C. 49 et seq. and 38 U.S.C. ~~2000~~ **4100** through ~~2014.~~ **4114.** Any money appropriated and made available to the department shall be deposited in the employment and training services administration fund.

SECTION 66. IC 22-4.5-9-4, AS AMENDED BY P.L.213-2015, SECTION 243, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) The council shall do all of the following:

(1) Provide coordination to align the various participants in the state's education, job skills development, and career training system.

(2) Match the education and skills training provided by the state's education, job skills development, and career training system with the currently existing and future needs of the state's job market.

(3) In addition to the department's annual report provided under ~~IC 22-4.5-9-4,~~ **IC 22-4.1-4-8,** submit, not later than August 1, 2013, and not later than November 1 each year thereafter, to the legislative council in an electronic format under IC 5-14-6 an inventory of current job and career training activities conducted by:

(A) state and local agencies; and

(B) whenever the information is readily available, private groups, associations, and other participants in the state's

education, job skills development, and career training system. The inventory must provide at least the information listed in ~~IC 22-4.1-9-4(a)(1)~~ **IC 22-4.1-4-8(a)(1)** through ~~IC 22-4.1-9-4(a)(5)~~ **IC 22-4.1-4-8(a)(5)** for each activity in the inventory.

(4) Submit, not later than July 1, 2014, to the legislative council in an electronic format under IC 5-14-6 a strategic plan to improve the state's education, job skills development, and career training system. The council shall submit, not later than December 1, 2013, to the legislative council in an electronic format under IC 5-14-6 a progress report concerning the development of the strategic plan. The strategic plan developed under this subdivision must include at least the following:

(A) Proposed changes, including recommended legislation and rules, to increase coordination, data sharing, and communication among the state, local, and private agencies, groups, and associations that are involved in education, job skills development, and career training.

(B) Proposed changes to make Indiana a leader in employment opportunities related to the fields of science, technology, engineering, and mathematics (commonly known as STEM).

(C) Proposed changes to address both:

(i) the shortage of qualified workers for current employment opportunities; and

(ii) the shortage of employment opportunities for individuals with a baccalaureate or more advanced degree.

(5) Complete, not later than August 1, 2014, a return on investment and utilization study of career and technical education programs in Indiana. The study conducted under this subdivision must include at least the following:

(A) An examination of Indiana's career and technical education programs to determine:

(i) the use of the programs; and

(ii) the impact of the programs on college and career readiness, employment, and economic opportunity.

(B) A survey of the use of secondary, college, and university facilities, equipment, and faculty by career and technical education programs.

(C) Recommendations concerning how career and technical education programs:

(i) give a preference for courses leading to employment in high wage, high demand jobs; and

(ii) add performance based funding to ensure greater competitiveness among program providers and to increase completion of industry recognized credentials and dual credit courses that lead directly to employment or postsecondary study.

(6) Coordinate the performance of its duties under this chapter with the Indiana works councils established by IC 20-19-6-4.

(b) In performing its duties, the council shall obtain input from the following:

(1) Indiana employers and employer organizations.

(2) Public and private institutions of higher education.

(3) Regional and local economic development organizations.

(4) Indiana labor organizations.

(5) Individuals with expertise in career and technical education.

(6) Military and veterans organizations.

(7) Organizations representing women, African-Americans, Latinos, and other significant minority populations and having an interest in issues of particular concern to these populations.

(8) Individuals and organizations with expertise in the logistics industry.

(9) Any other person or organization that a majority of the voting members of the council determines has information that is important for the council to consider.

SECTION 67. IC 22-5-3-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) An employee of a private employer that is under public contract may report in writing the existence of:

(1) a violation of a federal law or regulation;

(2) a violation of a state law or rule;

(3) a violation of an ordinance of a political subdivision (as defined in IC 36-1-2-13); or

(4) the misuse of public resources;

concerning the execution of public contract first to the private employer, unless the private employer is the person whom the employee believes is committing the violation or misuse of public resources. In that case, the employee may report the violation or misuse of public resources in writing to either the private employer or to any official or agency entitled to receive a report from the state ethics commission under ~~IC 4-2-6-4(b)(2)(G)~~ **IC 4-2-6-4(b)(2)(J)** or ~~IC 4-2-6-4(b)(2)(H).~~ **IC 4-2-6-4(b)(2)(K).** If a good faith effort is not made to correct the problem within a reasonable time, the employee may submit a written report of the incident to any person, agency, or

organization.

(b) For having made a report under subsection (a), an employee may not:

(1) be dismissed from employment;

(2) have salary increases or employment related benefits withheld;

(3) be transferred or reassigned;

(4) be denied a promotion that the employee otherwise would have received; or

(5) be demoted.

(c) Notwithstanding subsections (a) through (b), an employee must make a reasonable attempt to ascertain the correctness of any information to be furnished and may be subject to disciplinary actions for knowingly furnishing false information, including suspension or dismissal, as determined by the employer. However, any employee disciplined under this subsection is entitled to process an appeal of the disciplinary action as a civil action in a court of general jurisdiction.

(d) An employer who violates this section commits a Class A infraction.

SECTION 68. IC 23-1-44-8, AS AMENDED BY P.L.93-2015, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) A shareholder is entitled to dissent from, and obtain payment of the fair value of the shareholder's shares in the event of, any of the following corporate actions:

(1) Consummation of a plan of merger to which the corporation is a party if:

(A) shareholder approval is required for the merger by IC 23-1-40 or the articles of incorporation; and

(B) the shareholder is entitled to vote on the merger.

(2) Consummation of a plan of share exchange to which the corporation is a party as the corporation whose shares will be acquired, if the shareholder is entitled to vote on the plan.

(3) Consummation of a sale or exchange of all, or substantially all, of the property of the corporation other than in the usual and regular course of business, if the shareholder is entitled to vote on the sale or exchange, including a sale in dissolution, but not including a sale pursuant to court order or a sale for cash pursuant to a plan by which all or substantially all of the net proceeds of the sale will be distributed to the shareholders within one (1) year after the date of sale.

(4) The approval of a control share acquisition under IC 23-1-42.

(5) Any corporate action taken pursuant to a shareholder vote to

the extent the articles of incorporation, bylaws, or a resolution of the board of directors provides that voting or nonvoting shareholders are entitled to dissent and obtain payment for their shares.

(6) Election to become a benefit corporation under ~~IC 21-1.3-3-2.~~ **IC 23-1.3-3-2.**

(b) This section does not apply to the holders of shares of any class or series if, on the date fixed to determine the shareholders entitled to receive notice of and vote at the meeting of shareholders at which the merger, plan of share exchange, or sale or exchange of property is to be acted on, the shares of that class or series were a covered security under Section 18(b)(1)(A) or 18(b)(1)(B) of the Securities Act of 1933, as amended.

(c) The articles of incorporation as originally filed or any amendment to the articles of incorporation may limit or eliminate the right to dissent and obtain payment for any class or series of preferred shares. However, any limitation or elimination contained in an amendment to the articles of incorporation that limits or eliminates the right to dissent and obtain payment for any shares:

(1) that are outstanding immediately before the effective date of the amendment; or

(2) that the corporation is or may be required to issue or sell after the effective date of the amendment under any exchange or other right existing immediately before the effective date of the amendment;

does not apply to any corporate action that becomes effective within one (1) year of the effective date of the amendment if the action would otherwise afford the right to dissent and obtain payment.

(d) A shareholder:

(1) who is entitled to dissent and obtain payment for the shareholder's shares under this chapter; or

(2) who would be so entitled to dissent and obtain payment but for the provisions of subsection (b);

may not challenge the corporate action creating (or that, but for the provisions of subsection (b), would have created) the shareholder's entitlement.

(e) Subsection (d) does not apply to a corporate action that was approved by less than unanimous consent of the voting shareholders under IC 23-1-29-4 if both of the following apply:

(1) The challenge to the corporate action is brought by a shareholder who did not consent and as to whom notice of the approval of the corporate action was not effective at least ten (10)

days before the corporate action was effected.

(2) The proceeding challenging the corporate action is commenced not later than ten (10) days after notice of the approval of the corporate action is effective as to the shareholder bringing the proceeding.

SECTION 69. IC 23-1.3-10-6, AS ADDED BY P.L.93-2015, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) The benefit corporation shall deliver, concurrently with the delivery of the benefit report to shareholders under section 4 of this chapter, a copy of the benefit report to the secretary of state for filing. However, the compensation paid to directors and financial or proprietary information included in the benefit report may be omitted from the benefit report as delivered to the secretary of state.

(b) The fee established in ~~IC 23-1-18-3(a)(27)~~ **IC 23-1-18-3(a)(25)** applies to an annual benefit report delivered for filing under this section.

SECTION 70. IC 23-16-3-3.1 IS REPEALED [EFFECTIVE UPON PASSAGE]. ~~Sec. 3.1. (a) A foreign limited partnership may correct a document filed with the secretary of state if:~~

~~(1) the document contains an incorrect statement or an inaccuracy;~~

~~(2) the document was defectively signed, attested, sealed, verified, or acknowledged; or~~

~~(3) the electronic transmission of the document was defective.~~

~~(b) A document is corrected:~~

~~(1) by preparing articles of correction that:~~

~~(A) describe the document, including its filing date, or attach a copy of the document to the articles;~~

~~(B) specify the incorrect statement or inaccuracy and the reason it is incorrect or inaccurate or the manner in which the execution was defective; and~~

~~(C) correct the incorrect statement, inaccuracy, or defective execution; and~~

~~(2) by delivering the articles of correction to the secretary of state for filing.~~

~~(c) Articles of correction are effective on the effective date of the document they correct except as to persons reasonably relying on the uncorrected document and adversely affected by the correction. As to those persons, articles of correction are effective when filed or when the reliance ceased to be reasonable, whichever first occurs.~~

SECTION 71. IC 23-16-10-3.1 IS ADDED TO THE INDIANA

CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 3.1. (a) A foreign limited partnership may correct a document filed with the secretary of state if:**

(1) the document contains an incorrect statement or an inaccuracy;

(2) the document was defectively signed, attested, sealed, verified, or acknowledged; or

(3) the electronic transmission of the document was defective.

(b) A document is corrected:

(1) by preparing articles of correction that:

(A) describe the document, including its filing date, or attach a copy of the document to the articles;

(B) specify the incorrect statement or inaccuracy and the reason it is incorrect or inaccurate or the manner in which the execution was defective; and

(C) correct the incorrect statement, inaccuracy, or defective execution; and

(2) by delivering the articles of correction to the secretary of state for filing.

(c) Articles of correction are effective on the effective date of the document they correct except as to persons reasonably relying on the uncorrected document and adversely affected by the correction. As to those persons, articles of correction are effective when filed or when the reliance ceased to be reasonable, whichever first occurs.

SECTION 72. IC 23-17-19-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) Without the prior approval of the circuit court or superior court of the county where the corporation's principal office or, if the principal office is not located in Indiana, the corporation's registered office, is located in a proceeding that the attorney general has been given written notice, a public benefit or religious corporation may only merge with the following:

(1) A public benefit or religious corporation.

(2) A foreign corporation that would qualify under this article as a public benefit or religious corporation.

(3) A wholly-owned foreign or domestic business or mutual benefit corporation if the public benefit or religious corporation is the surviving corporation and continues to be a public benefit or religious corporation after the merger.

(4) A business or mutual benefit corporation if the following conditions are met:

(A) On or before the effective date of the merger, assets with a value equal to the greater of the fair market value of the net tangible and intangible assets, including goodwill, of the public benefit corporation or the fair market value of the public benefit corporation if the corporation were to be operated as a business concern are transferred or conveyed to a person who would have received the corporation's assets under ~~IC 23-17-22-6(a)(5)~~ **IC 23-17-22-5(a)(5)** and ~~IC 23-17-22-6(a)(6)~~ **IC 23-17-22-5(a)(6)** had the corporation dissolved.

(B) The business or mutual benefit corporation returns, transfers, or conveys any assets held by the business or mutual benefit corporation upon condition requiring return, transfer, or conveyance, that occurs by reason of the merger, in accordance with the condition.

(C) The merger is approved by a majority of directors of the public benefit or religious corporation who are not and will not become:

(i) members in;

(ii) shareholders in; or

(iii) officers, employees, agents, or consultants of;

the surviving corporation.

(D) The requirements of section 8 of this chapter are met.

(b) At least twenty (20) days before consummation of any merger of a public benefit corporation or a religious corporation under subsection (a)(4), notice, including a copy of the proposed plan of merger, must be delivered to the attorney general.

(c) Without the prior written consent of the attorney general or of the circuit court or superior court of the county where:

(1) the corporation's principal office is located; or

(2) if the principal office is not located in Indiana, the corporation's registered office is located;

in a proceeding in which the attorney general has been given notice, a member of a public benefit or religious corporation may not receive or keep anything as a result of a merger other than a membership or membership in the surviving public benefit or religious corporation. The court shall approve the transaction if the transaction is in the public interest.

SECTION 73. IC 24-11-3-2, AS ADDED BY P.L.172-2015, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) A court may consider the following factors as evidence that a person has made an assertion of patent

infringement in bad faith:

(1) The person distributed a demand letter that does not contain all the following information:

(A) The patent number of the patent that the person claims is being infringed.

(B) The name and address of:

(i) a patent owner;

(ii) if applicable, any assignee of the patent; and

(iii) if applicable, a patent owner's or assignee's agent who is retained by the patent owner or assignee to enforce the patent.

(C) Factual allegations identifying specific areas in which the target's products, services, and technology infringe the patent or are covered by the claims in the patent.

(2) The person fails to:

(A) conduct an analysis comparing the claims in the patent to the target's products, services, and technology; or

(B) identify, if the person conducts an analysis described in clause (A), specific areas in which the target's products, services, and technology are covered by the claims in the patent.

(3) If the demand letter does not contain the information described in subdivision (1), the person that distributed the demand letter fails to provide the information within a reasonable amount of time after the target requests the information.

(4) The person demands:

(A) payment of a license fee; or

(B) a response from the target;

within an unreasonably short period of time.

(5) The person offers to license the patent for an amount that is not based on a reasonable estimate of the value of the license.

(6) The claim or assertion of patent infringement is meritless, and the person knew, or should have known, that the claim or assertion is meritless.

(7) The claim or assertion of patent infringement is deceptive.

(8) The person or the person's subsidiaries or affiliates have previously filed or threatened to file a lawsuit based on the same or similar claim of patent infringement and the:

(A) filing or threats to file lacked the information described in subdivision (1); or

(B) person attempted to enforce the claim of patent infringement in litigation and a court found the claim to be

meritless.

(9) Any other factor the court finds relevant.

(b) A person may not use the failure of a target to request any information described in subsection (a)(1) that is not contained in the demand letter as a defense to an action under this ~~chapter.~~ **article.**

SECTION 74. IC 24-11-4-1, AS ADDED BY P.L.172-2015, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) Subject to subsection (c), upon motion by a target and a finding by the court that a target has established a reasonable likelihood that a person has made a bad faith assertion of patent infringement in violation of this ~~chapter,~~ **article,** the court shall require the person to post a bond in an amount equal to a good faith estimate of the target's costs to litigate the claim and amounts reasonably likely to be recovered under IC 24-11-5, conditioned upon payment of any amounts finally determined to be due to the target.

(b) A hearing shall be held upon the request of either party.

(c) A bond ordered under this section may not exceed two hundred fifty thousand dollars ($250,000).

(d) The court may waive the bond requirement if the court finds the person has available assets equal to the amount of the proposed bond or for other good cause shown.

SECTION 75. IC 24-11-5-1, AS ADDED BY P.L.172-2015, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) A target, or a person aggrieved by a violation of:

(1) this ~~chapter;~~ **article;** or

(2) rules adopted under this ~~chapter;~~ **article;**

may bring an action in a court with jurisdiction.

(b) A person shall, not later than thirty (30) days after filing a complaint with a court in an action under subsection (a), mail or deliver a copy of the complaint to the office of the attorney general.

(c) A court may award reasonable attorney's fees, litigation expenses, and costs to a person who prevails in an action under subsection (a).

(d) A court may, in addition to fees, expenses, and costs under subsection (c), award any or all of the following to a complainant who prevails in an action under subsection (a):

(1) Declaratory or equitable relief.

(2) The greater of:

(A) actual damages; or

(B) liquidated damages for each complainant who prevails in the sum of five thousand dollars ($5,000) for each demand

letter that the complainant received.

(3) Punitive damages in the amount of the greater of:

(A) fifty thousand dollars ($50,000); or

(B) three (3) times the amount of actual damages.

SECTION 76. IC 25-1-16-8, AS AMENDED BY P.L.112-2014, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) The committee shall review and evaluate each regulated occupation and board. The review and evaluation must include the following:

(1) The functions, powers, and duties of the regulated occupation and the board, including any functions, powers, or duties that are inconsistent with current or projected practice of the occupation.

(2) An assessment of the management efficiency of the board.

(3) An assessment of the regulated occupation's and the board's ability to meet the objectives of the general assembly in licensing the regulated occupation.

(4) An assessment of the necessity, burden, and alternatives to the licenses issued by the board.

(5) An assessment of the fees that the board charges for licenses.

(6) Any other criteria identified by the committee.

(b) The committee shall prepare a report concerning each regulated occupation and board that the committee reviews and evaluates. The report must contain the following:

(1) The number of individuals who are licensed in the regulated occupation.

(2) A summary of the board's functions and actions.

(3) The budget and other fiscal factors of regulating the regulated occupation, including the actual cost of administering license applications, renewals, and issuing licenses.

(4) An assessment of the effect of the regulated occupation on the state's economy, including consumers and businesses.

(5) Any recommendations for legislation, including whether:

(A) the regulation of a regulated occupation should be modified;

(B) the board should be combined with another board;

(C) ~~whether~~ the board or the regulation of the regulated occupation should be terminated;

(D) ~~whether~~ a license should be eliminated; or

(E) ~~whether~~ multiple licenses should be consolidated into a single license.

(6) Any recommendations for administrative changes.

(7) Information that supports the committee's recommendations.

(c) This section does not apply to fees that support dedicated funds. After the committee has reviewed and evaluated a regulated occupation and board, the committee shall provide the agency and the board that is the subject of the committee's evaluation with recommendations for fees that the board should charge for application fees, renewal fees, and fees to issue licenses. The recommendation for fees must comply with the requirements under IC 25-1-8-2. However, the recommendation must not exceed the lesser of either one hundred dollars ($100) or the actual administrative cost to process the application or renew or issue the license.

SECTION 77. IC 25-37.5-1-10, AS ADDED BY P.L.224-2013, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. Sections 8 and 9 of this chapter do not apply to commercial transactions between two (2) or more of the following:

(1) An entity licensed by the secretary of state under ~~IC 9-22-4~~ **IC 9-32-9** as:

(A) an automotive salvage rebuilder;

(B) a disposal facility; or

(C) a used parts dealer.

(2) A valuable metal dealer.

(3) An automobile scrapyard (as defined by IC 9-13-2-8).

(4) A scrap metal processor (as defined by IC 9-13-2-162).

SECTION 78. IC 27-8-32.4-2 IS REPEALED [EFFECTIVE UPON PASSAGE]. ~~Sec. 2. As used in this chapter, "insured" means an individual who is entitled to coverage under a policy of accident and sickness insurance.~~

SECTION 79. IC 28-7-5-16, AS AMENDED BY P.L.186-2015, SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 16. (a) The licensee shall keep and use in the licensee's business such books, accounts, and records as will enable the department to determine whether the licensee is complying with this chapter and with the rules adopted by the department under this chapter. Every licensee shall preserve such books, accounts, and records, including cards used in the card system for at least two (2) years after making the final entry on any loan recorded therein. The books and records of the licensee shall be kept so that the pawnbroking business transacted in Indiana may be readily separated and distinguished from the business of the licensee transacted elsewhere and from any other business in which the licensee may be engaged. To determine whether the licensee is complying with this chapter and with rules adopted by the department under this chapter, the department may

examine the books, accounts, and records required to be kept by the licensee under this subsection. If the department examines the books, accounts, and records of the licensee under this subsection, the licensee shall pay all reasonably incurred costs of the examination in accordance with the fee schedule adopted under IC 28-11-3-5. ~~A fee established by the department under IC 28-11-3-5 may be charged for each day a fee under this subsection is delinquent.~~ Any costs required to be paid under this section shall be paid not later than sixty (60) days after the person receives a notice from the department of the costs being assessed. The department may impose a fee, in an amount fixed by the department under IC 28-11-3-5, for each day that the assessed costs are not paid, beginning on the first day after the sixty (60) day period described in this subsection.

(b) If a pawnbroker, in the conduct of the business, purchases an article from a seller, the purchase shall be evidenced by a bill of sale properly signed by the seller. All bills of sale must be in duplicate and must recite the following separate items:

(1) Date of bill of sale.

(2) Amount of consideration.

(3) Name of pawnbroker.

(4) Description of each article sold. However, if multiple articles of a similar nature that do not contain an identification or serial number (such as precious metals, gemstones, musical recordings, video recordings, books, or hand tools) are delivered together in one (1) transaction, the description of the articles is adequate if the description contains the quantity of the articles delivered and a physical description of the type of articles delivered, including any other unique identifying marks, numbers, names, letters, or special features.

(5) Signature of seller.

(6) Address of seller.

(7) Date of birth of the seller.

(8) The type of government issued identification used to verify the identity of the seller, together with the name of the governmental agency that issued the identification, and the identification number present on the government issued identification.

(c) The original copy of the bill of sale shall be retained by the pawnbroker. The second copy shall be delivered to the seller by the pawnbroker at the time of sale. The heading on all bill of sale forms must be in boldface type.

(d) If a pawnbroker, in the conduct of the business, purchases precious metal (as defined in IC 24-4-19-6) from a seller, the

pawnbroker shall, for at least ten (10) calendar days after the date the pawnbroker purchases the precious metal, retain the precious metal:

(1) at the pawnbroker's permanent place of business where the pawnbroker purchased the precious metal; and

(2) separate from other precious metal.

(e) Each licensee shall maintain a record of control indicating the number of accounts and dollar value of all outstanding pawnbroking receivables.

(f) If a licensee contracts with an outside vendor to provide a service that would otherwise be undertaken internally by the licensee and be subject to the department's routine examination procedures, the person that provides the service to the licensee shall, at the request of the director, submit to an examination by the department. If the director determines that an examination under this subsection is necessary or desirable, the examination may be made at the expense of the person to be examined. If the person to be examined under this subsection refuses to permit the examination to be made, the director may order any licensee that receives services from the person refusing the examination to:

(1) discontinue receiving one (1) or more services from the person; or

(2) otherwise cease conducting business with the person.

SECTION 80. IC 28-8-4-41, AS AMENDED BY P.L.186-2015, SECTION 45, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 41. (a) The director may conduct an annual onsite examination of a licensee or an authorized delegate of a licensee.

(b) If the director determines that a reasonable belief exists that a person is operating without a valid license or in violation of this chapter, the director has the authority to investigate and examine the records of that person. The person examined must pay the reasonably incurred costs of the examination.

(c) Except as provided in section 42(a)(2) of this chapter, the director must give the licensee forty-five (45) days written notice before conducting an onsite examination.

(d) If the director determines, based on the licensee's financial statements and past history of operations in Indiana, that an onsite examination is unnecessary, the director may waive the onsite examination.

(e) If the director concludes that an onsite examination of a licensee is necessary, the licensee shall pay all reasonably incurred costs of such examination in accordance with the fee schedule adopted under IC 28-11-3-5. ~~A fee established by the department under IC 28-11-3-5~~

~~may be charged for each day a fee under this section is delinquent.~~ Any costs required to be paid under this section shall be paid not later than sixty (60) days after the person receives a notice from the department of the costs being assessed. The department may impose a fee, in an amount fixed by the department under IC 28-11-3-5, for each day that the assessed costs are not paid, beginning on the first day after the sixty (60) day period described in this subsection.

(f) An onsite examination may be conducted in conjunction with examinations to be performed by representatives of agencies of another state or states. In lieu of an onsite examination, a director may accept the examination report of an agency of another state, or a report prepared by an independent accounting firm. A report accepted under this subsection shall be considered, for all purposes, to be an official report of the director.

(g) To discover violations of this chapter or to secure information necessary for the enforcement of this chapter, the department may investigate any:

(1) licensee; or

(2) person that the department suspects to be operating:

(A) without a license, when a license is required under this chapter; or

(B) otherwise in violation of this chapter.

The department has all investigatory and enforcement authority under this chapter that the department has under IC 28-11 with respect to financial institutions. If the department conducts an investigation under this section, the licensee or other person investigated shall pay all reasonably incurred costs of the investigation in accordance with the fee schedule adopted under IC 28-11-3-5. Any costs required to be paid under this section shall be paid not later than sixty (60) days after the person receives a notice from the department of the costs being assessed. The department may impose a fee, in an amount fixed by the department under IC 28-11-3-5, for each day that the assessed costs are not paid, beginning on the first day after the sixty (60) day period described in this subsection.

(h) If a licensee contracts with an outside vendor to provide a service that would otherwise be undertaken internally by the licensee and be subject to the department's routine examination procedures, the person that provides the service to the licensee shall, at the request of the director, submit to an examination by the department. If the director determines that an examination under this subsection is necessary or desirable, the examination may be made at the expense of the person to be examined. If the person to be examined under this subsection

refuses to permit the examination to be made, the director may order any licensee that receives services from the person refusing the examination to:

(1) discontinue receiving one (1) or more services from the person; or

(2) otherwise cease conducting business with the person.

SECTION 81. IC 28-8-5-19, AS AMENDED BY P.L.186-2015, SECTION 48, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 19. (a) The department may examine the books, accounts, and records of a licensee and may make investigations to determine compliance.

(b) If the department examines the books, accounts, and records of a licensee, the licensee shall pay all reasonably incurred costs of the examination in accordance with the fee schedule adopted under IC 28-11-3-5. ~~A fee established by the department under IC 28-11-3-5 may be charged for each day a fee under this section is delinquent.~~ Any costs required to be paid under this section shall be paid not later than sixty (60) days after the person receives a notice from the department of the costs being assessed. The department may impose a fee, in an amount fixed by the department under IC 28-11-3-5, for each day that the assessed costs are not paid, beginning on the first day after the sixty (60) day period described in this subsection.

(c) To discover violations of this chapter or to secure information necessary for the enforcement of this chapter, the department may investigate any:

(1) licensee; or

(2) person that the department suspects to be operating:

(A) without a license, when a license is required under this chapter; or

(B) otherwise in violation of this chapter.

The department has all investigatory and enforcement authority under this chapter that the department has under IC 28-11 with respect to financial institutions. If the department conducts an investigation under this section, the licensee or other person investigated shall pay all reasonably incurred costs of the investigation in accordance with the fee schedule adopted under IC 28-11-3-5. Any costs required to be paid under this section shall be paid not later than sixty (60) days after the person receives a notice from the department of the costs being assessed. The department may impose a fee, in an amount fixed by the department under IC 28-11-3-5, for each day that the assessed costs are not paid, beginning on the first day after the sixty (60) day period described in this subsection.

(d) If a licensee contracts with an outside vendor to provide a service that would otherwise be undertaken internally by the licensee and be subject to the department's routine examination procedures, the person that provides the service to the licensee shall, at the request of the director, submit to an examination by the department. If the director determines that an examination under this subsection is necessary or desirable, the examination may be made at the expense of the person to be examined. If the person to be examined under this subsection refuses to permit the examination to be made, the director may order any licensee that receives services from the person refusing the examination to:

(1) discontinue receiving one (1) or more services from the person; or

(2) otherwise cease conducting business with the person.

SECTION 82. IC 31-9-2-46.7, AS AMENDED BY P.L.104-2015, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 46.7. "Foster care", for purposes of IC 31-25, IC 31-26, IC 31-27, IC 31-28-1, IC 31-28-2, IC 31-28-3, ~~IC 31-34-21-7,~~ IC 31-34-21-7.6, and IC 31-37-22-10, means living in:

(1) a place licensed under IC 31-27 or a comparable law of another state; or

(2) the home of an adult relative who is not licensed as a foster family home.

SECTION 83. IC 31-41-2-3, AS ADDED BY P.L.66-2015, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) The dual status assessment team shall meet within ten (10) days of the date ordered by the juvenile court.

(b) The dual status assessment team shall be convened by the facilitator described in section ~~2(a)(6)~~ **2(a)(5)** of this chapter.

(c) The dual status assessment team shall consider:

(1) any allegations of abuse or neglect suffered by the child; and

(2) any allegation that the child is a delinquent child under IC 31-37-1-1 or IC 31-37-2-1.

SECTION 84. IC 31-41-2-5, AS ADDED BY P.L.66-2015, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. The dual status assessment team shall consider the child's best interests and well-being, including:

(1) the child's mental health, including any diagnosis;

(2) the child's school records, including attendance and achievement level;

(3) the child's statements;

(4) the statements of the child's parent, guardian, or custodian;

(5) the impact of the child's behavior on any victim;
(6) the safety of the community;
(7) the child's needs, strengths, and ~~risk;~~ **risks;**
(8) the need for a parent participation plan;
(9) the efficacy and availability of services and community providers;
(10) whether appropriate supervision of the child can be achieved by the dismissal of a delinquency adjudication in deference to a child in need of services adjudication;
(11) whether appropriate supervision of the child can be achieved by combining a delinquency adjudication or informal adjustment with a child in need of services petition;
(12) the child's placement needs;
(13) restorative justice practices that may be appropriate;
(14) whether a child in need of services petition or informal adjustment should be filed or dismissed;
(15) whether a delinquency petition or informal adjustment should be filed or dismissed;
(16) the availability of coordinated services regardless of whether the child is adjudicated to be a child in need of services or a delinquent child;
(17) whether the team recommends the exercise of dual adjudication and the lead agency to provide supervision of the child; and
(18) any other information considered appropriate by the team.

SECTION 85. IC 33-37-5-2, AS AMENDED BY P.L.191-2015, SECTION 12, AND AS AMENDED BY P.L.213-2015, SECTION 256, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) Each clerk shall establish a clerk's record perpetuation fund. The clerk shall deposit all the following in the fund:

(1) Revenue received by the clerk for transmitting documents by facsimile machine to a person under IC 5-14-3.
(2) Document storage fees required under section 20 of this chapter.
(3) The late payment fees imposed under section 22 of this chapter that are authorized for deposit in the clerk's record perpetuation fund under IC 33-37-7-2.
(4) The fees required under IC 29-1-7-3.1 for deposit of a will.
~~*(5) Automated record keeping fees deposited in the fund under IC 33-37-7-2(m).*~~

~~(6)~~ **(5)** *Fees for preparing a transcript or copy of any record under section 1 of this chapter.*

(b) The clerk may use any money in the fund for the following purposes:

(1) The preservation of records.

(2) The improvement of record keeping systems and equipment.

(3) Case management system.

SECTION 86. IC 34-30-2-99.8, AS ADDED BY P.L.185-2015, SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 99.8. IC 25-23.4-8-2 (Concerning a physician ~~or hospital~~ for the acts or omissions of a certified direct entry midwife **and a health care provider for the acts or omissions of a physician or certified direct entry midwife).**

SECTION 87. IC 35-31.5-2-67 IS REPEALED [EFFECTIVE UPON PASSAGE]. ~~Sec. 67. "Correctional professional", for purposes of IC 35-42-2-1, has the meaning set forth in IC 35-42-2-1(b)(2).~~

SECTION 88. IC 35-31.5-2-127 IS REPEALED [EFFECTIVE UPON PASSAGE]. ~~Sec. 127. "Family housing complex" means a building or series of buildings:~~

~~(1) that contains at least twelve (12) dwelling units:~~

~~(A) where children are domiciled or are likely to be domiciled; and~~

~~(B) that are owned by a governmental unit or political subdivision;~~

~~(2) that is operated as a hotel or motel (as described in IC 22-11-18-1);~~

~~(3) that is operated as an apartment complex; or~~

~~(4) that contains subsidized housing.~~

SECTION 89. IC 35-37-4-6, AS AMENDED BY P.L.117-2015, SECTION 54, AND AS AMENDED BY P.L.238-2015, SECTION 11, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: 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) Battery upon a child less than fourteen (14) years of age (IC 35-42-2-1).

(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) 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) Battery (IC 35-42-2-1).

(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, ~~*mental retardation,*~~ *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 90. IC 35-38-2.5-5, AS AMENDED BY P.L.74-2015, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) Except as provided in section 5.5 of this chapter, as a condition of probation a court may order an offender confined to the offender's home for a period of home detention lasting at least sixty (60) days.

(b) The period of home detention may be consecutive or nonconsecutive, as the court orders. However, the aggregate time actually spent in home detention must not exceed:

(1) the minimum term of imprisonment prescribed for a felony under IC 35-50-2; or

(2) the maximum term of imprisonment prescribed for a misdemeanor under IC 35-50-3;

for the crime committed by the offender.

(c) The court may order supervision of an offender's home detention to be provided by the probation department for the court or by a community corrections program that provides supervision of home detention.

(d) A person's term of confinement on home detention under this chapter is computed on the basis of accrued time on home detention plus any good time credit.

(e) A person confined on home detention as a condition of probation receives one (1) day of accrued ~~credit~~ **time** for each day the person is

confined on home detention.

(f) In addition to accrued ~~credit~~ **time** under subsection (e), a person confined on home detention as a condition of probation is entitled to earn good time credit under IC 35-50-6-3 or IC 35-50-6-3.1. A person confined on home detention as a condition of probation may not earn educational credit under IC 35-50-6-3.3.

(g) A person confined on home detention may be deprived of earned good time credit if the person violates a condition of probation.

SECTION 91. IC 36-1-3-9, AS AMENDED BY P.L.169-2015, SECTION 169, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. (a) The area inside the boundaries of a county comprises its territorial jurisdiction. However, a municipality has exclusive jurisdiction over bridges (subject to IC 8-16-3-1), streets, alleys, sidewalks, watercourses, sewers, drains, and public grounds inside its corporate boundaries, unless a statute provides otherwise.

(b) The area inside the corporate boundaries of a municipality comprises its territorial jurisdiction, except to the extent that a statute expressly authorizes the municipality to exercise a power in areas outside its corporate boundaries.

(c) Whenever a statute authorizes a municipality to exercise a power in areas outside its corporate boundaries, the power may be exercised:

(1) inside the corporate boundaries of another municipality, only if both municipalities, by ordinance, enter into an agreement under IC 36-1-7; or

(2) in a county other than the county in which the municipal hall is located, but not inside the corporate boundaries of another municipality, only if both the municipality and the other county, by ordinance, enter into an agreement under IC 36-1-7.

(d) If the two (2) units involved under subsection (c) cannot reach an agreement, either unit may petition the circuit or superior court of the county to hear and determine the matters at issue. The clerk of the court shall issue notice to the other unit as in other civil actions, and the court shall hold the hearing without a jury. There may be a change of venue from the judge but not from the county. The petitioning unit shall pay the costs of the action.

~~(e) If a political subdivision permits or authorizes the placement or display of materials:~~

~~(1) advocating the election or defeat of a candidate or public question; or~~

~~(2) supporting or opposing a political party;~~

~~on the real or personal property of the political subdivision, the~~

~~political subdivision must permit the placement or display of these materials from any person on that real or personal property subject to the same time, place, and manner restrictions.~~

SECTION 92. IC 36-1-4-21 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 21. If a political subdivision permits or authorizes the placement or display of materials:**

(1) advocating the election or defeat of a candidate or public question; or

(2) supporting or opposing a political party;

on the real or personal property of the political subdivision, the political subdivision must permit the placement or display of these materials from any person on that real or personal property subject to the same time, place, and manner restrictions.

SECTION 93. IC 36-1-6-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. (a) The legislative body of a county or municipality may adopt an ordinance providing that certain other ordinances may be enforced through a proceeding before an administrative body of the county or municipality.

(b) An ordinance adopted under subsection (a) must designate the following:

(1) The ordinances that may be enforced through an administrative proceeding.

(2) The administrative body before which the proceeding may be brought.

(c) An ordinance may not be designated under subsection (b) for enforcement through an administrative proceeding unless the ordinance restricts or prohibits actions harmful to the land, air, or water, governs use of the public way, or governs the standing or parking of vehicles.

(d) In a proceeding to enforce an ordinance brought before an administrative body designated under subsection (b):

(1) a violation of the ordinance must be proven by a preponderance of the evidence; and

(2) the administrative body may not impose a penalty other than a fine in an amount within the limit set forth in ~~IC 36-1-3-8(10).~~ **IC 36-1-3-8(a)(10).**

(e) A person who receives a penalty under subsection (d) may appeal the order imposing the penalty to a court of record in:

(1) the county that brought the enforcement proceeding if the proceeding is brought by a county; or

(2) the county in which the municipality is located if the

proceeding is brought by a municipality.

(f) An appeal under subsection (e) from an order imposing a penalty must be filed not more than sixty (60) days after the day on which the order is entered.

SECTION 94. IC 36-2-5-3.5, AS ADDED BY P.L.167-2015, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2016 (RETROACTIVE)]: Sec. 3.5. (a) The county fiscal body shall establish a salary schedule in which the salary of a county assessor who has attained a level three certification under IC 6-1.1-35.5 is at least one thousand five hundred dollars ($1,500) more than the salary of a county assessor who has a level two certification. A salary schedule established under this subsection may take into account salary adjustments retained under subsection (c). If a county assessor who takes office with a level two certification attains a level three certification not later than January 1 of the third year of the county assessor's term of office, the county assessor is entitled to be paid the salary of a county assessor who has attained a level three certification, beginning on the date the county assessor attains the level three certification.

(b) The county fiscal body shall establish a salary schedule in which the salary of an elected township assessor of the county who has attained a level three certification under IC 6-1.1-35.5 is at least one thousand five hundred dollars ($1,500) more than the salary of an elected township assessor who has a level two certification. A salary schedule established under this subsection may take into account salary adjustments retained under subsection (c). If a township assessor who takes office with a level two certification attains a level three certification not later than January 1 of the third year of the township assessor's term of office, the township assessor is entitled to be paid the salary of a township assessor who has attained a level three certification, beginning on the date the township assessor attains the level three certification.

(c) Beginning January 1, 2016, the following apply:

(1) The one thousand dollar ($1,000) additional annual compensation paid under section 3(b) of this chapter ~~(before its repeal on January 1, 2016)~~ **(as it read on December 31, 2015)** to a county assessor or an elected township assessor who has attained a level two or level three certification under IC 6-1.1-35.5 shall be paid as part of the annual compensation of the assessor.

(2) The five hundred dollar ($500) additional annual compensation paid under section 3(b) of this chapter ~~(before its~~

~~repeal on January 1, 2016)~~ **(as it read on December 31, 2015)** to a county or township deputy assessor who has attained a level two or level three certification under IC 6-1.1-35.5 shall be paid as part of the annual compensation of the **deputy** assessor.

It is the intent of this subsection that after December 31, 2015, there not be a reduction in the annual compensation paid to an individual under section 3(b) of this chapter because of its ~~repeal~~ **removal from the Indiana Code** on January 1, 2016.

(d) The county fiscal body shall establish a salary schedule in which the salary of county or township deputy assessor who has attained a level two or level three certification under IC 6-1.1-35.5 is at least five hundred dollars ($500) more than the salary of a deputy assessor who has not attained a level two or a level three certification, beginning on the date the township assessor attains the level two or level three certification. A salary schedule established under this subsection may take into account salary adjustments retained under subsection (c).

SECTION 95. IC 36-3-2-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. Whenever the consolidated city, or any of its special service districts or special taxing districts, provides services outside its boundaries, it may impose a service charge for installation and operating expenses, subject to ~~IC 36-1-3-8(6).~~ **IC 36-1-3-8(a)(6).**

SECTION 96. IC 36-4-3-5, AS AMENDED BY P.L.228-2015, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015 (RETROACTIVE)]: Sec. 5. (a) This subsection applies only to a petition requesting annexation that is filed before July 1, 2015. If the owners of land located outside of but contiguous to a municipality want to have territory containing that land annexed to the municipality, they may file with the legislative body of the municipality a petition:

(1) signed by at least:

(A) fifty-one percent (51%) of the owners of land in the territory sought to be annexed; or

(B) the owners of seventy-five percent (75%) of the total assessed value of the land for property tax purposes; and

(2) requesting an ordinance annexing the area described in the petition.

(b) This subsection applies only to a petition requesting annexation that is filed after June 30, 2015. If the owners of land located outside of but contiguous to a municipality want to have territory containing that land annexed to the municipality, they may file with the legislative body of the municipality a petition that meets the following

requirements:

(1) The petition is signed by at least one (1) of the following:

(A) Fifty-one percent (51%) of the owners of land in the territory sought to be annexed. An owner of land may not:

(i) be counted in calculating the total number of owners of land in the annexation territory; or

(ii) have the owner's signature counted;

with regard to any single property that the owner has an interest in that was exempt from property taxes under IC 6-1.1-10 or any other state law for the immediately preceding year.

(B) The owners of seventy-five percent (75%) of the total assessed value of the land for property tax purposes. Land that was exempt from property taxes under IC 6-1.1-10 or any other state law for the immediately preceding year may not be included in calculating the total assessed valuation of the land in the annexation territory. The court may not count an owner's signature on a petition with regard to any single property that the owner has an interest in that was exempt from property taxes under IC 6-1.1-10 or any other state law for the immediately preceding year.

(2) The petition requests an ordinance annexing the area described in the petition.

(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) If the legislative body fails to pass the ordinance within one hundred fifty (150) days after the date of filing of a petition under subsection (a) **or (b),** the petitioners may file a duplicate copy of the petition in the circuit or superior court of a county in which the territory is located, and shall include a written statement of why the annexation should take place. Notice of the proceedings, in the form of a summons, shall be served on the municipality named in the petition. The municipality is the defendant in the cause and shall appear and answer.

(e) The court shall hear and determine the petition without a jury, and shall order the proposed annexation to take place only if the evidence introduced by the parties establishes that:

(1) essential municipal services and facilities are not available to the residents of the territory sought to be annexed;

(2) the municipality is physically and financially able to provide municipal services to the territory sought to be annexed;

(3) the population density of the territory sought to be annexed is at least three (3) persons per acre; and

(4) the territory sought to be annexed is contiguous to the municipality.

If the evidence does not establish all four (4) of the preceding factors, the court shall deny the petition and dismiss the proceeding.

(f) This subsection does not apply to a town that has abolished town legislative body districts under IC 36-5-2-4.1. An ordinance adopted under this section must assign the territory annexed by the ordinance to at least one (1) municipal legislative body district.

SECTION 97. IC 36-7-4-1311 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1311. (a) The legislative body of a unit may adopt an ordinance imposing an impact fee on new development in the geographic area over which the unit exercises planning and zoning jurisdiction. The ordinance must aggregate the portions of the impact fee attributable to the infrastructure types covered by the ordinance so that a single and unified impact fee is imposed on each new development.

(b) If the legislative body of a unit has planning and zoning jurisdiction over the entire geographic area covered by the impact fee ordinance, an ordinance adopted under this section shall be adopted in the same manner that zoning ordinances are adopted under the 600 SERIES of this chapter.

(c) If the legislative body of a unit does not have planning and zoning jurisdiction over the entire geographic area covered by the impact fee ordinance but does have jurisdiction over one (1) or more infrastructure types in the area, the legislative body shall establish the portion of the impact fee schedule or formula for the infrastructure types over which the legislative body has jurisdiction. The legislative body of the unit having planning and zoning jurisdiction shall adopt an impact fee ordinance containing that portion of the impact fee schedule or formula if:

(1) a public hearing has been held before the legislative body having planning and zoning jurisdiction; and

(2) each plan commission that has planning jurisdiction over any part of the geographic area in which the impact fee is to be imposed has approved the proposed impact fee ordinance by resolution.

(d) An ordinance adopted under this section is the exclusive means for a unit to impose an impact fee. An impact fee imposed on new

development to pay for infrastructure may not be collected after January 1, 1992, unless the impact fee is imposed under an impact fee ordinance adopted under this chapter.

(e) Notwithstanding any other provision of this chapter, the following charges are not impact fees and may continue to be imposed by units:

(1) Fees, charges, or assessments imposed for infrastructure services under statutes in existence on January 1, 1991, if:

(A) the fee, charge, or assessment is imposed upon all users whether they are new users or users requiring additional capacity or services;

(B) the fee, charge, or assessment is not used to fund construction of new infrastructure unless the new infrastructure is of the same type for which the fee, charge, or assessment is imposed and will serve the payer; and

(C) the fee, charge, or assessment constitutes a reasonable charge for the services provided in accordance with ~~IC 36-1-3-8(6)~~ **IC 36-1-3-8(a)(6)** or other governing statutes requiring that any fees, charges, or assessments bear a reasonable relationship to the infrastructure provided.

(2) Fees, charges, and assessments agreed upon under a contractual agreement entered into before April 1, 1991, or fees, charges, and assessments agreed upon under a contractual agreement, if the fees, charges, and assessments are treated as impact deductions under section 1321(d) of this chapter if an impact fee ordinance is in effect.

SECTION 98. IC 36-7-17.1-7, AS AMENDED BY P.L.251-2015, SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) The conveyance of a dwelling to an applicant under this chapter shall be made in return for a fee of:

(1) one dollar ($1); plus

(2) the amounts described in ~~IC 6-1.1-24-5(e)~~ **IC 6-1.1-24-5(e)(4)** through IC 6-1.1-24-5(e)(6);

if the applicant executes an agreement that meets the minimum conditions specified in subsection (b).

(b) The agreement described in subsection (a) must include the following minimum conditions:

(1) The applicant must apply for and receive a rehabilitation loan with respect to the dwelling and the real property on which it is located not later than the period prescribed by the director of the agency in the rules and regulations described in section 11 of this chapter.

(2) Upon receiving the rehabilitation loan described in subdivision (1), the applicant must comply with the program regulations set forth in 24 CFR 203.50 and 24 CFR 203.440 et seq., with respect to the rehabilitation loan described in subdivision (1).

(3) The applicant must comply with any additional terms, conditions, and requirements that the agency may impose to ensure that the purposes of this chapter are carried out. This may include the requirement that the dwelling be rehabilitated to minimum building code standards before possession.

SECTION 99. IC 36-7.5-4-16.5, AS ADDED BY P.L.192-2015, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 16.5. (a) This section applies if the development board does the following:

(1) Finds that a city or county described in IC 36-7.5-2-3 has, at any time before July 1, 2015, failed to make a transfer or a part of a transfer required by section 2 of this chapter.

(2) Finds that the obligation of the city or county to pay the unpaid amount of the transfer or transfers has not been satisfied under section 16 of this chapter or by any other means.

(3) Certifies to the treasurer of state the total amount of the arrearage attributable to the failure of the city or county to make a transfer or a part of a transfer required by section 2 of this chapter.

(b) The treasurer of state shall do the following:

(1) Deduct from amounts otherwise payable to the city under IC 4-33-13-5(a) or to the county under IC 4-33-12-6 an amount equal to:

(A) the total amount certified under subsection ~~(a)(1);~~ **(a)(3);** plus

(B) interest calculated in the same manner that interest on delinquent taxes is calculated under IC 6-8.1-10-1.

(2) Pay the amount deducted under subdivision (1) to the development authority.

SECTION 100. [EFFECTIVE UPON PASSAGE] **(a) This act may be referred to as the "technical corrections bill of the 2016 general assembly".**

(b) The phrase "technical corrections bill of the 2016 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, 2016.

SECTION 101. [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 2016 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, 2016.

SECTION 102. **An emergency is declared for this act.**

COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred House Bill 1036, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1036 as introduced.)

STEUERWALD

Committee Vote: Yeas 11, Nays 0