



January 14, 2015

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## SENATE BILL No. 171

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DIGEST OF SB 171 (Updated January 12, 2015 1:36 pm - DI 106)

**Citations Affected:** IC 4-23; IC 5-2; IC 5-10.1; IC 6-2.5; IC 6-3; IC 8-1; IC 8-2.1; IC 8-4; IC 8-23; IC 9-14; IC 9-24; IC 10-16; IC 12-13; IC 12-15; IC 12-17.2; IC 12-23; IC 12-28; IC 14-22; IC 14-37; IC 16-27; IC 16-39; IC 16-41; IC 16-45; IC 22-9; IC 23-19; IC 26-1; IC 28-1; IC 31-25; IC 31-26; IC 33-44; IC 35-43; IC 35-45.

**Synopsis:** Update of federal law citations. Makes technical corrections to federal law citations throughout the Indiana Code. (The introduced version of this bill was prepared by the code revision commission.)

**Effective:** July 1, 2015.

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**Bray**

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January 6, 2015, read first time and referred to Committee on Civil Law.  
January 13, 2015, reported favorably — Do Pass.

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SB 171—LS 6093/DI 115





January 14, 2015

First Regular Session 119th General Assembly (2015)

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 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

## SENATE BILL No. 171

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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:*

- 1 SECTION 1. IC 4-23-29-1 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 1. As used in this  
3 chapter, "act" refers to the federal Developmental Disabilities  
4 Assistance and Bill of Rights Act (~~42 U.S.C. 6024~~) of 2000 (**42 U.S.C.**  
5 **15001 et seq.**) and subsequent amendments.
- 6 SECTION 2. IC 4-23-29-8 IS AMENDED TO READ AS  
7 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 8. (a) The board of  
8 directors of the council is established.
- 9 (b) The following ex officio members are nonvoting members of the  
10 board:
- 11 (1) The state superintendent of public instruction or the  
12 superintendent's designee.
- 13 (2) The secretary of family and social services or the secretary's  
14 designee.
- 15 (3) The commissioner of the state department of health or the  
16 commissioner's designee.

SB 171—LS 6093/DI 115



1 (c) The following ex officio members are voting members of the  
2 board:

3 (1) The executive director of the Indiana protection and advocacy  
4 services commission.

5 (2) The executive director of the university center for excellence  
6 as designated under the act.

7 (d) The governor shall appoint the following fifteen (15) members  
8 to the board for terms of three (3) years or until a successor is  
9 appointed:

10 (1) Three (3) individuals with developmental disabilities.

11 (2) Three (3) individuals who are:

12 (A) parents of children with developmental disabilities; or

13 (B) immediate relatives or guardians of adults with  
14 developmental disabilities.

15 (3) Two (2) individuals who may be:

16 (A) individuals with developmental disabilities; or

17 (B) parents, immediate relatives, or guardians of individuals  
18 with developmental disabilities.

19 (4) One (1) individual who is institutionalized or was previously  
20 institutionalized or the parent, immediate relative, or guardian of  
21 an individual who is institutionalized or was previously  
22 institutionalized.

23 (5) Two (2) individuals with disabilities representing local  
24 community or statewide organizations whose stated mission  
25 includes fostering the productivity, inclusion, and independence  
26 of people with developmental disabilities.

27 (6) Two (2) individuals who represent:

28 (A) the community; or

29 (B) a business that has demonstrated a commitment to  
30 implementing the federal Americans with Disabilities Act (~~42~~  
31 ~~U.S.C. 1201 et seq.~~) (**42 U.S.C. 12101 et seq.**).

32 (7) Two (2) individuals who represent providers of services to  
33 persons with disabilities, including the following:

34 (A) Special education programs.

35 (B) Independent living centers.

36 (C) Community based programs.

37 (D) Health care.

38 (E) Preschool, early intervention programs, or area agencies on  
39 aging.

40 (e) Of the individuals initially appointed by the governor, at least  
41 seven (7) must be chosen from names submitted by the council for  
42 consideration.



1 (f) Individuals appointed by the governor under subsection (d)(1)  
 2 through (d)(5) serve at the pleasure of the governor and must have  
 3 demonstrated an active involvement in the development of disability  
 4 policy by:

- 5 (1) serving on boards or commissions; or  
 6 (2) advocating;

7 on behalf of persons with disabilities.

8 (g) A member may not serve more than two (2) consecutive three  
 9 (3) year terms. The governor shall make appointments not later than  
 10 October 1 of each year.

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

18 (i) The governor shall appoint a chairperson of the board, who has  
 19 at least one (1) year of experience as a board member, from among the  
 20 members appointed by the governor.

21 (j) The board shall adopt policies and procedures to carry out the  
 22 board's duties under:

- 23 (1) the act; and  
 24 (2) this chapter.

25 (k) The affirmative votes of a majority of the voting members  
 26 appointed to the board are required for the board to take action on any  
 27 measure.

28 SECTION 3. IC 4-23-32-2, AS ADDED BY P.L.133-2012,  
 29 SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 30 JULY 1, 2015]: Sec. 2. As used in this chapter, "Native American  
 31 Indian" means an individual who is at least one (1) of the following:

- 32 (1) An Alaska native as defined in 43 U.S.C. 1602(b).  
 33 (2) An Indian as defined in 25 U.S.C. 450b(d).  
 34 (3) A native Hawaiian as defined in ~~20 U.S.C. 7912(1)~~ **20 U.S.C.**  
 35 **7517(1)**.

36 SECTION 4. IC 5-2-6-23, AS AMENDED BY P.L.1-2009,  
 37 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 38 JULY 1, 2015]: Sec. 23. (a) As used in this section, "board" refers to  
 39 the sexual assault victim advocate standards and certification board  
 40 established by subsection (c).

41 (b) As used in this section, "rape crisis center" means an  
 42 organization that provides a full continuum of services, including



1 hotlines, victim advocacy, and support services from the onset of the  
 2 need for services through the completion of healing, to victims of  
 3 sexual assault.

4 (c) The sexual assault victim advocate standards and certification  
 5 board is established. The board consists of the following twelve (12)  
 6 members appointed by the governor:

7 (1) A member recommended by the prosecuting attorneys council  
 8 of Indiana.

9 (2) A member from law enforcement.

10 (3) A member representing a rape crisis center.

11 (4) A member recommended by the Indiana Coalition Against  
 12 Sexual Assault.

13 (5) A member representing mental health professionals.

14 (6) A member representing hospital administration.

15 (7) A member who is a health care professional (as defined in  
 16 IC 16-27-1-1) qualified in forensic evidence collection and  
 17 recommended by the Indiana chapter of the International  
 18 Association of Forensic Nurses.

19 (8) A member who is an employee of the Indiana criminal justice  
 20 institute.

21 (9) A member who is a survivor of sexual violence.

22 (10) A member who is a physician (as defined in  
 23 IC 25-22.5-1-1.1) with experience in examining sexually abused  
 24 children.

25 (11) A member who is an employee of the office of the secretary  
 26 of family and social services.

27 (12) A member who is an employee of the state department of  
 28 health, office of women's health.

29 (d) Members of the board serve a four (4) year term. Not more than  
 30 seven (7) members appointed under this subsection may be of the same  
 31 political party.

32 (e) The board shall meet at the call of the chairperson. Seven (7)  
 33 members of the board constitute a quorum. The affirmative vote of at  
 34 least seven (7) members of the board is required for the board to take  
 35 any official action.

36 (f) The board shall:

37 (1) develop standards for certification as a sexual assault victim  
 38 advocate;

39 (2) set fees that cover the costs for the certification process;

40 (3) adopt rules under IC 4-22-2 to implement this section;

41 (4) administer the sexual assault victims assistance account  
 42 established by subsection (h); and



1 (5) certify sexual assault victim advocates to provide advocacy  
2 services.

3 (g) Members of the board may not receive a salary per diem.  
4 Members of the board are entitled to receive reimbursement for  
5 mileage for attendance at meetings. Any other funding for the board is  
6 paid at the discretion of the director of the office of management and  
7 budget.

8 (h) The sexual assault victims assistance account is established  
9 within the state general fund. The board shall administer the account  
10 to provide financial assistance to rape crisis centers. Money in the  
11 account must be distributed to a statewide nonprofit sexual assault  
12 coalition as designated by the federal Centers for Disease Control and  
13 Prevention under ~~42 U.S.C. 280 et seq.~~ **42 U.S.C. 280b et seq.** The  
14 account consists of:

15 (1) amounts transferred to the account from sexual assault victims  
16 assistance fees collected under IC 33-37-5-23;

17 (2) appropriations to the account from other sources;

18 (3) fees collected for certification by the board;

19 (4) grants, gifts, and donations intended for deposit in the  
20 account; and

21 (5) interest accruing from the money in the account.

22 (i) The expenses of administering the account shall be paid from  
23 money in the account. The board shall designate not more than ten  
24 percent (10%) of the appropriation made each year to the nonprofit  
25 corporation for program administration. The board may not use more  
26 than ten percent (10%) of the money collected from certification fees  
27 to administer the certification program.

28 (j) The treasurer of state shall invest the money in the account not  
29 currently needed to meet the obligations of the account in the same  
30 manner as other public money may be invested.

31 (k) Money in the account at the end of a state fiscal year does not  
32 revert to the state general fund.

33 (l) The governor shall appoint a member of the commission each  
34 year to serve a one (1) year term as chairperson of the board.

35 SECTION 5. IC 5-10.1-3-3 IS AMENDED TO READ AS  
36 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 3. Required Elements  
37 of the Plan. The plan must:

38 (1) be in conformity with the requirements of the Social Security  
39 Act and with the agreement;

40 (2) provide that all services covered by the federal-state  
41 agreement in employment for the political subdivision is covered  
42 by the plan, except that it may exclude services to which section



- 1           ~~218(c)(3)(C)~~, **218(c)(3)**, **218(c)(5)**, **218(c)(6)**, or **218(d)** of the  
2 Social Security Act is applicable;  
3 (3) specify the source from which the funds necessary to make the  
4 payments required of the political subdivision by this article are  
5 expected to be derived and contain reasonable assurance that the  
6 source will be adequate for that purpose;  
7 (4) provide for such methods of administration of the plan by the  
8 political subdivision as are found by the state agency to be  
9 necessary for the proper administration of the plan;  
10 (5) provide that the political subdivision shall:  
11           (A) make such reports as the state agency requires; and  
12           (B) comply with such provisions as the state agency or the  
13 federal administrator finds necessary to assure the correctness  
14 of the reports; and  
15 (6) authorize the state agency to terminate the plan in its entirety  
16 if the state agency finds a failure to comply substantially with any  
17 provision of the plan. The termination takes effect at the  
18 expiration of such notice and on such conditions as are provided  
19 by the state agency, in accordance with the Social Security Act.
- 20       SECTION 6. IC 6-2.5-12-1 IS AMENDED TO READ AS  
21 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 1. As used in this  
22 chapter, "air to ground radiotelephone service" means a ~~radio~~  
23 **radiotelephone** service, as that term is defined in 47 CFR 22.99, in  
24 which common carriers are authorized to offer and provide radio  
25 telecommunications service for hire to subscribers in aircraft.
- 26       SECTION 7. IC 6-3-1-3.5, AS AMENDED BY P.L.205-2013,  
27 SECTION 80, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
28 JULY 1, 2015]: Sec. 3.5. When used in this article, the term "adjusted  
29 gross income" shall mean the following:  
30       (a) In the case of all individuals, "adjusted gross income" (as  
31 defined in Section 62 of the Internal Revenue Code), modified as  
32 follows:  
33           (1) Subtract income that is exempt from taxation under this article  
34 by the Constitution and statutes of the United States.  
35           (2) Add an amount equal to any deduction or deductions allowed  
36 or allowable pursuant to Section 62 of the Internal Revenue Code  
37 for taxes based on or measured by income and levied at the state  
38 level by any state of the United States.  
39           (3) Subtract one thousand dollars (\$1,000), or in the case of a  
40 joint return filed by a husband and wife, subtract for each spouse  
41 one thousand dollars (\$1,000).  
42           (4) Subtract one thousand dollars (\$1,000) for:



- 1 (A) each of the exemptions provided by Section 151(c) of the  
 2 Internal Revenue Code;
- 3 (B) each additional amount allowable under Section 63(f) of  
 4 the Internal Revenue Code; and
- 5 (C) the spouse of the taxpayer if a separate return is made by  
 6 the taxpayer and if the spouse, for the calendar year in which  
 7 the taxable year of the taxpayer begins, has no gross income  
 8 and is not the dependent of another taxpayer.
- 9 (5) Subtract:
- 10 (A) one thousand five hundred dollars (\$1,500) for each of the  
 11 exemptions allowed under Section 151(c)(1)(B) of the Internal  
 12 Revenue Code (as effective January 1, 2004); and
- 13 (B) five hundred dollars (\$500) for each additional amount  
 14 allowable under Section 63(f)(1) of the Internal Revenue Code  
 15 if the adjusted gross income of the taxpayer, or the taxpayer  
 16 and the taxpayer's spouse in the case of a joint return, is less  
 17 than forty thousand dollars (\$40,000).
- 18 This amount is in addition to the amount subtracted under  
 19 subdivision (4).
- 20 (6) Subtract an amount equal to the lesser of:
- 21 (A) that part of the individual's adjusted gross income (as  
 22 defined in Section 62 of the Internal Revenue Code) for that  
 23 taxable year that is subject to a tax that is imposed by a  
 24 political subdivision of another state and that is imposed on or  
 25 measured by income; or
- 26 (B) two thousand dollars (\$2,000).
- 27 (7) Add an amount equal to the total capital gain portion of a  
 28 lump sum distribution (as defined in Section 402(e)(4)(D) of the  
 29 Internal Revenue Code) if the lump sum distribution is received  
 30 by the individual during the taxable year and if the capital gain  
 31 portion of the distribution is taxed in the manner provided in  
 32 Section 402 of the Internal Revenue Code.
- 33 (8) Subtract any amounts included in federal adjusted gross  
 34 income under Section 111 of the Internal Revenue Code as a  
 35 recovery of items previously deducted as an itemized deduction  
 36 from adjusted gross income.
- 37 (9) Subtract any amounts included in federal adjusted gross  
 38 income under the Internal Revenue Code which amounts were  
 39 received by the individual as supplemental railroad retirement  
 40 annuities under 45 U.S.C. 231 and which are not deductible under  
 41 subdivision (1).
- 42 (10) Subtract an amount equal to the amount of federal Social



- 1 Security and Railroad Retirement benefits included in a taxpayer's  
2 federal gross income by Section 86 of the Internal Revenue Code.  
3 (11) In the case of a nonresident taxpayer or a resident taxpayer  
4 residing in Indiana for a period of less than the taxpayer's entire  
5 taxable year, the total amount of the deductions allowed pursuant  
6 to subdivisions (3), (4), (5), and (6) shall be reduced to an amount  
7 which bears the same ratio to the total as the taxpayer's income  
8 taxable in Indiana bears to the taxpayer's total income.  
9 (12) In the case of an individual who is a recipient of assistance  
10 under IC 12-10-6-1, IC 12-10-6-2.1, IC 12-15-2-2, or IC 12-15-7,  
11 subtract an amount equal to that portion of the individual's  
12 adjusted gross income with respect to which the individual is not  
13 allowed under federal law to retain an amount to pay state and  
14 local income taxes.  
15 (13) In the case of an eligible individual, subtract the amount of  
16 a Holocaust victim's settlement payment included in the  
17 individual's federal adjusted gross income.  
18 (14) Subtract an amount equal to the portion of any premiums  
19 paid during the taxable year by the taxpayer for a qualified long  
20 term care policy (as defined in IC 12-15-39.6-5) for the taxpayer  
21 or the taxpayer's spouse, or both.  
22 (15) Subtract an amount equal to the lesser of:  
23 (A) two thousand five hundred dollars (\$2,500); or  
24 (B) the amount of property taxes that are paid during the  
25 taxable year in Indiana by the individual on the individual's  
26 principal place of residence.  
27 (16) Subtract an amount equal to the amount of a September 11  
28 terrorist attack settlement payment included in the individual's  
29 federal adjusted gross income.  
30 (17) Add or subtract the amount necessary to make the adjusted  
31 gross income of any taxpayer that owns property for which bonus  
32 depreciation was allowed in the current taxable year or in an  
33 earlier taxable year equal to the amount of adjusted gross income  
34 that would have been computed had an election not been made  
35 under Section 168(k) of the Internal Revenue Code to apply bonus  
36 depreciation to the property in the year that it was placed in  
37 service.  
38 (18) Add an amount equal to any deduction allowed under  
39 Section 172 of the Internal Revenue Code.  
40 (19) Add or subtract the amount necessary to make the adjusted  
41 gross income of any taxpayer that placed Section 179 property (as  
42 defined in Section 179 of the Internal Revenue Code) in service



- 1 in the current taxable year or in an earlier taxable year equal to  
2 the amount of adjusted gross income that would have been  
3 computed had an election for federal income tax purposes not  
4 been made for the year in which the property was placed in  
5 service to take deductions under Section 179 of the Internal  
6 Revenue Code in a total amount exceeding twenty-five thousand  
7 dollars (\$25,000).
- 8 (20) Add an amount equal to the amount that a taxpayer claimed  
9 as a deduction for domestic production activities for the taxable  
10 year under Section 199 of the Internal Revenue Code for federal  
11 income tax purposes.
- 12 (21) Subtract an amount equal to the amount of the taxpayer's  
13 qualified military income that was not excluded from the  
14 taxpayer's gross income for federal income tax purposes under  
15 Section 112 of the Internal Revenue Code.
- 16 (22) Subtract income that is:
- 17 (A) exempt from taxation under IC 6-3-2-21.7; and  
18 (B) included in the individual's federal adjusted gross income  
19 under the Internal Revenue Code.
- 20 (23) Subtract any amount of a credit (including an advance refund  
21 of the credit) that is provided to an individual under 26 U.S.C.  
22 6428 (federal Economic Stimulus Act of 2008) and included in  
23 the individual's federal adjusted gross income.
- 24 (24) Add any amount of unemployment compensation excluded  
25 from federal gross income, as defined in Section 61 of the Internal  
26 Revenue Code, under Section 85(c) of the Internal Revenue Code.
- 27 (25) Add the amount excluded from gross income under Section  
28 108(a)(1)(e) of the Internal Revenue Code for the discharge of  
29 debt on a qualified principal residence.
- 30 (26) Add an amount equal to any income not included in gross  
31 income as a result of the deferral of income arising from business  
32 indebtedness discharged in connection with the reacquisition after  
33 December 31, 2008, and before January 1, 2011, of an applicable  
34 debt instrument, as provided in Section 108(i) of the Internal  
35 Revenue Code. Subtract the amount necessary from the adjusted  
36 gross income of any taxpayer that added an amount to adjusted  
37 gross income in a previous year to offset the amount included in  
38 federal gross income as a result of the deferral of income arising  
39 from business indebtedness discharged in connection with the  
40 reacquisition after December 31, 2008, and before January 1,  
41 2011, of an applicable debt instrument, as provided in Section  
42 108(i) of the Internal Revenue Code.



- 1 (27) Add or subtract the amount necessary to make the adjusted  
 2 gross income of any taxpayer that claimed the special allowance  
 3 for qualified disaster assistance property under Section 168(n) of  
 4 the Internal Revenue Code equal to the amount of adjusted gross  
 5 income that would have been computed had the special allowance  
 6 not been claimed for the property.
- 7 (28) Add or subtract the amount necessary to make the adjusted  
 8 gross income of any taxpayer that made an election under Section  
 9 179C of the Internal Revenue Code to expense costs for qualified  
 10 refinery property equal to the amount of adjusted gross income  
 11 that would have been computed had an election for federal  
 12 income tax purposes not been made for the year.
- 13 (29) Add or subtract the amount necessary to make the adjusted  
 14 gross income of any taxpayer that made an election under Section  
 15 181 of the Internal Revenue Code to expense costs for a qualified  
 16 film or television production equal to the amount of adjusted  
 17 gross income that would have been computed had an election for  
 18 federal income tax purposes not been made for the year.
- 19 (30) Add or subtract the amount necessary to make the adjusted  
 20 gross income of any taxpayer that treated a loss from the sale or  
 21 exchange of preferred stock in:
- 22 (A) the Federal National Mortgage Association, established  
 23 under the Federal National Mortgage Association Charter Act  
 24 (12 U.S.C. 1716 et seq.); or
- 25 (B) the Federal Home Loan Mortgage Corporation, established  
 26 under the Federal Home Loan Mortgage Corporation Act (12  
 27 U.S.C. 1451 et seq.);
- 28 as an ordinary loss under Section 301 of the Emergency  
 29 Economic Stabilization Act of 2008 in the current taxable year or  
 30 in an earlier taxable year equal to the amount of adjusted gross  
 31 income that would have been computed had the loss not been  
 32 treated as an ordinary loss.
- 33 (31) Add the amount excluded from federal gross income under  
 34 Section 103 of the Internal Revenue Code for interest received on  
 35 an obligation of a state other than Indiana, or a political  
 36 subdivision of such a state, that is acquired by the taxpayer after  
 37 December 31, 2011.
- 38 (32) This subdivision does not apply to payments made for  
 39 services provided to a business that was enrolled and participated  
 40 in the E-Verify program (as defined in IC 22-5-1.7-3) during the  
 41 time the taxpayer conducted business in Indiana in the taxable  
 42 year. For a taxable year beginning after June 30, 2011, add the



1 amount of any trade or business deduction allowed under the  
2 Internal Revenue Code for wages, reimbursements, or other  
3 payments made for services provided in Indiana by an individual  
4 for services as an employee, if the individual was, during the  
5 period of service, prohibited from being hired as an employee  
6 under 8 U.S.C. 1324a.

7 (b) In the case of corporations, the same as "taxable income" (as  
8 defined in Section 63 of the Internal Revenue Code) adjusted as  
9 follows:

10 (1) Subtract income that is exempt from taxation under this article  
11 by the Constitution and statutes of the United States.

12 (2) Add an amount equal to any deduction or deductions allowed  
13 or allowable pursuant to Section 170 of the Internal Revenue  
14 Code.

15 (3) Add an amount equal to any deduction or deductions allowed  
16 or allowable pursuant to Section 63 of the Internal Revenue Code  
17 for taxes based on or measured by income and levied at the state  
18 level by any state of the United States.

19 (4) Subtract an amount equal to the amount included in the  
20 corporation's taxable income under Section 78 of the Internal  
21 Revenue Code.

22 (5) Add or subtract the amount necessary to make the adjusted  
23 gross income of any taxpayer that owns property for which bonus  
24 depreciation was allowed in the current taxable year or in an  
25 earlier taxable year equal to the amount of adjusted gross income  
26 that would have been computed had an election not been made  
27 under Section 168(k) of the Internal Revenue Code to apply bonus  
28 depreciation to the property in the year that it was placed in  
29 service.

30 (6) Add an amount equal to any deduction allowed under Section  
31 172 of the Internal Revenue Code.

32 (7) Add or subtract the amount necessary to make the adjusted  
33 gross income of any taxpayer that placed Section 179 property (as  
34 defined in Section 179 of the Internal Revenue Code) in service  
35 in the current taxable year or in an earlier taxable year equal to  
36 the amount of adjusted gross income that would have been  
37 computed had an election for federal income tax purposes not  
38 been made for the year in which the property was placed in  
39 service to take deductions under Section 179 of the Internal  
40 Revenue Code in a total amount exceeding twenty-five thousand  
41 dollars (\$25,000).

42 (8) Add an amount equal to the amount that a taxpayer claimed as



- 1 a deduction for domestic production activities for the taxable year  
2 under Section 199 of the Internal Revenue Code for federal  
3 income tax purposes.
- 4 (9) Add to the extent required by IC 6-3-2-20 the amount of  
5 intangible expenses (as defined in IC 6-3-2-20) and any directly  
6 related intangible interest expenses (as defined in IC 6-3-2-20) for  
7 the taxable year that reduced the corporation's taxable income (as  
8 defined in Section 63 of the Internal Revenue Code) for federal  
9 income tax purposes.
- 10 (10) Add an amount equal to any deduction for dividends paid (as  
11 defined in Section 561 of the Internal Revenue Code) to  
12 shareholders of a captive real estate investment trust (as defined  
13 in section 34.5 of this chapter).
- 14 (11) Subtract income that is:
- 15 (A) exempt from taxation under IC 6-3-2-21.7; and  
16 (B) included in the corporation's taxable income under the  
17 Internal Revenue Code.
- 18 (12) Add an amount equal to any income not included in gross  
19 income as a result of the deferral of income arising from business  
20 indebtedness discharged in connection with the reacquisition after  
21 December 31, 2008, and before January 1, 2011, of an applicable  
22 debt instrument, as provided in Section 108(i) of the Internal  
23 Revenue Code. Subtract from the adjusted gross income of any  
24 taxpayer that added an amount to adjusted gross income in a  
25 previous year the amount necessary to offset the amount included  
26 in federal gross income as a result of the deferral of income  
27 arising from business indebtedness discharged in connection with  
28 the reacquisition after December 31, 2008, and before January 1,  
29 2011, of an applicable debt instrument, as provided in Section  
30 108(i) of the Internal Revenue Code.
- 31 (13) Add or subtract the amount necessary to make the adjusted  
32 gross income of any taxpayer that claimed the special allowance  
33 for qualified disaster assistance property under Section 168(n) of  
34 the Internal Revenue Code equal to the amount of adjusted gross  
35 income that would have been computed had the special allowance  
36 not been claimed for the property.
- 37 (14) Add or subtract the amount necessary to make the adjusted  
38 gross income of any taxpayer that made an election under Section  
39 179C of the Internal Revenue Code to expense costs for qualified  
40 refinery property equal to the amount of adjusted gross income  
41 that would have been computed had an election for federal  
42 income tax purposes not been made for the year.



1 (15) Add or subtract the amount necessary to make the adjusted  
 2 gross income of any taxpayer that made an election under Section  
 3 181 of the Internal Revenue Code to expense costs for a qualified  
 4 film or television production equal to the amount of adjusted  
 5 gross income that would have been computed had an election for  
 6 federal income tax purposes not been made for the year.

7 (16) Add or subtract the amount necessary to make the adjusted  
 8 gross income of any taxpayer that treated a loss from the sale or  
 9 exchange of preferred stock in:

10 (A) the Federal National Mortgage Association, established  
 11 under the Federal National Mortgage Association Charter Act  
 12 (12 U.S.C. 1716 et seq.); or

13 (B) the Federal Home Loan Mortgage Corporation, established  
 14 under the Federal Home Loan Mortgage Corporation Act (12  
 15 U.S.C. 1451 et seq.);

16 as an ordinary loss under Section 301 of the Emergency  
 17 Economic Stabilization Act of 2008 in the current taxable year or  
 18 in an earlier taxable year equal to the amount of adjusted gross  
 19 income that would have been computed had the loss not been  
 20 treated as an ordinary loss.

21 (17) This subdivision does not apply to payments made for  
 22 services provided to a business that was enrolled and participated  
 23 in the E-Verify program (as defined in IC 22-5-1.7-3) during the  
 24 time the taxpayer conducted business in Indiana in the taxable  
 25 year. For a taxable year beginning after June 30, 2011, add the  
 26 amount of any trade or business deduction allowed under the  
 27 Internal Revenue Code for wages, reimbursements, or other  
 28 payments made for services provided in Indiana by an individual  
 29 for services as an employee, if the individual was, during the  
 30 period of service, prohibited from being hired as an employee  
 31 under 8 U.S.C. 1324a.

32 (18) Add the amount excluded from federal gross income under  
 33 Section 103 of the Internal Revenue Code for interest received on  
 34 an obligation of a state other than Indiana, or a political  
 35 subdivision of such a state, that is acquired by the taxpayer after  
 36 December 31, 2011.

37 (c) In the case of life insurance companies (as defined in Section  
 38 816(a) of the Internal Revenue Code) that are organized under Indiana  
 39 law, the same as "life insurance company taxable income" (as defined  
 40 in Section 801 of the Internal Revenue Code), adjusted as follows:

41 (1) Subtract income that is exempt from taxation under this article  
 42 by the Constitution and statutes of the United States.



- 1 (2) Add an amount equal to any deduction allowed or allowable  
2 under Section 170 of the Internal Revenue Code.
- 3 (3) Add an amount equal to a deduction allowed or allowable  
4 under Section 805 or Section ~~831(e)~~ **832(c)** of the Internal  
5 Revenue Code for taxes based on or measured by income and  
6 levied at the state level by any state.
- 7 (4) Subtract an amount equal to the amount included in the  
8 company's taxable income under Section 78 of the Internal  
9 Revenue Code.
- 10 (5) Add or subtract the amount necessary to make the adjusted  
11 gross income of any taxpayer that owns property for which bonus  
12 depreciation was allowed in the current taxable year or in an  
13 earlier taxable year equal to the amount of adjusted gross income  
14 that would have been computed had an election not been made  
15 under Section 168(k) of the Internal Revenue Code to apply bonus  
16 depreciation to the property in the year that it was placed in  
17 service.
- 18 (6) Add an amount equal to any deduction allowed under Section  
19 172 or Section 810 of the Internal Revenue Code.
- 20 (7) Add or subtract the amount necessary to make the adjusted  
21 gross income of any taxpayer that placed Section 179 property (as  
22 defined in Section 179 of the Internal Revenue Code) in service  
23 in the current taxable year or in an earlier taxable year equal to  
24 the amount of adjusted gross income that would have been  
25 computed had an election for federal income tax purposes not  
26 been made for the year in which the property was placed in  
27 service to take deductions under Section 179 of the Internal  
28 Revenue Code in a total amount exceeding twenty-five thousand  
29 dollars (\$25,000).
- 30 (8) Add an amount equal to the amount that a taxpayer claimed as  
31 a deduction for domestic production activities for the taxable year  
32 under Section 199 of the Internal Revenue Code for federal  
33 income tax purposes.
- 34 (9) Subtract income that is:
  - 35 (A) exempt from taxation under IC 6-3-2-21.7; and
  - 36 (B) included in the insurance company's taxable income under  
37 the Internal Revenue Code.
- 38 (10) Add an amount equal to any income not included in gross  
39 income as a result of the deferral of income arising from business  
40 indebtedness discharged in connection with the reacquisition after  
41 December 31, 2008, and before January 1, 2011, of an applicable  
42 debt instrument, as provided in Section 108(i) of the Internal



1 Revenue Code. Subtract from the adjusted gross income of any  
 2 taxpayer that added an amount to adjusted gross income in a  
 3 previous year the amount necessary to offset the amount included  
 4 in federal gross income as a result of the deferral of income  
 5 arising from business indebtedness discharged in connection with  
 6 the reacquisition after December 31, 2008, and before January 1,  
 7 2011, of an applicable debt instrument, as provided in Section  
 8 108(i) of the Internal Revenue Code.

9 (11) Add or subtract the amount necessary to make the adjusted  
 10 gross income of any taxpayer that claimed the special allowance  
 11 for qualified disaster assistance property under Section 168(n) of  
 12 the Internal Revenue Code equal to the amount of adjusted gross  
 13 income that would have been computed had the special allowance  
 14 not been claimed for the property.

15 (12) Add or subtract the amount necessary to make the adjusted  
 16 gross income of any taxpayer that made an election under Section  
 17 179C of the Internal Revenue Code to expense costs for qualified  
 18 refinery property equal to the amount of adjusted gross income  
 19 that would have been computed had an election for federal  
 20 income tax purposes not been made for the year.

21 (13) Add or subtract the amount necessary to make the adjusted  
 22 gross income of any taxpayer that made an election under Section  
 23 181 of the Internal Revenue Code to expense costs for a qualified  
 24 film or television production equal to the amount of adjusted  
 25 gross income that would have been computed had an election for  
 26 federal income tax purposes not been made for the year.

27 (14) Add or subtract the amount necessary to make the adjusted  
 28 gross income of any taxpayer that treated a loss from the sale or  
 29 exchange of preferred stock in:

30 (A) the Federal National Mortgage Association, established  
 31 under the Federal National Mortgage Association Charter Act  
 32 (12 U.S.C. 1716 et seq.); or

33 (B) the Federal Home Loan Mortgage Corporation, established  
 34 under the Federal Home Loan Mortgage Corporation Act (12  
 35 U.S.C. 1451 et seq.);

36 as an ordinary loss under Section 301 of the Emergency  
 37 Economic Stabilization Act of 2008 in the current taxable year or  
 38 in an earlier taxable year equal to the amount of adjusted gross  
 39 income that would have been computed had the loss not been  
 40 treated as an ordinary loss.

41 (15) Add an amount equal to any exempt insurance income under  
 42 Section 953(e) of the Internal Revenue Code that is active



- 1 financing income under Subpart F of Subtitle A, Chapter 1,  
 2 Subchapter N of the Internal Revenue Code.
- 3 (16) This subdivision does not apply to payments made for  
 4 services provided to a business that was enrolled and participated  
 5 in the E-Verify program (as defined in IC 22-5-1.7-3) during the  
 6 time the taxpayer conducted business in Indiana in the taxable  
 7 year. For a taxable year beginning after June 30, 2011, add the  
 8 amount of any trade or business deduction allowed under the  
 9 Internal Revenue Code for wages, reimbursements, or other  
 10 payments made for services provided in Indiana by an individual  
 11 for services as an employee, if the individual was, during the  
 12 period of service, prohibited from being hired as an employee  
 13 under 8 U.S.C. 1324a.
- 14 (17) Add the amount excluded from federal gross income under  
 15 Section 103 of the Internal Revenue Code for interest received on  
 16 an obligation of a state other than Indiana, or a political  
 17 subdivision of such a state, that is acquired by the taxpayer after  
 18 December 31, 2011.
- 19 (d) In the case of insurance companies subject to tax under Section  
 20 831 of the Internal Revenue Code and organized under Indiana law, the  
 21 same as "taxable income" (as defined in Section 832 of the Internal  
 22 Revenue Code), adjusted as follows:
- 23 (1) Subtract income that is exempt from taxation under this article  
 24 by the Constitution and statutes of the United States.
- 25 (2) Add an amount equal to any deduction allowed or allowable  
 26 under Section 170 of the Internal Revenue Code.
- 27 (3) Add an amount equal to a deduction allowed or allowable  
 28 under Section 805 or Section ~~831(e)~~ **832(c)** of the Internal  
 29 Revenue Code for taxes based on or measured by income and  
 30 levied at the state level by any state.
- 31 (4) Subtract an amount equal to the amount included in the  
 32 company's taxable income under Section 78 of the Internal  
 33 Revenue Code.
- 34 (5) Add or subtract the amount necessary to make the adjusted  
 35 gross income of any taxpayer that owns property for which bonus  
 36 depreciation was allowed in the current taxable year or in an  
 37 earlier taxable year equal to the amount of adjusted gross income  
 38 that would have been computed had an election not been made  
 39 under Section 168(k) of the Internal Revenue Code to apply bonus  
 40 depreciation to the property in the year that it was placed in  
 41 service.
- 42 (6) Add an amount equal to any deduction allowed under Section



- 1 172 of the Internal Revenue Code.
- 2 (7) Add or subtract the amount necessary to make the adjusted
- 3 gross income of any taxpayer that placed Section 179 property (as
- 4 defined in Section 179 of the Internal Revenue Code) in service
- 5 in the current taxable year or in an earlier taxable year equal to
- 6 the amount of adjusted gross income that would have been
- 7 computed had an election for federal income tax purposes not
- 8 been made for the year in which the property was placed in
- 9 service to take deductions under Section 179 of the Internal
- 10 Revenue Code in a total amount exceeding twenty-five thousand
- 11 dollars (\$25,000).
- 12 (8) Add an amount equal to the amount that a taxpayer claimed as
- 13 a deduction for domestic production activities for the taxable year
- 14 under Section 199 of the Internal Revenue Code for federal
- 15 income tax purposes.
- 16 (9) Subtract income that is:
- 17 (A) exempt from taxation under IC 6-3-2-21.7; and
- 18 (B) included in the insurance company's taxable income under
- 19 the Internal Revenue Code.
- 20 (10) Add an amount equal to any income not included in gross
- 21 income as a result of the deferral of income arising from business
- 22 indebtedness discharged in connection with the reacquisition after
- 23 December 31, 2008, and before January 1, 2011, of an applicable
- 24 debt instrument, as provided in Section 108(i) of the Internal
- 25 Revenue Code. Subtract from the adjusted gross income of any
- 26 taxpayer that added an amount to adjusted gross income in a
- 27 previous year the amount necessary to offset the amount included
- 28 in federal gross income as a result of the deferral of income
- 29 arising from business indebtedness discharged in connection with
- 30 the reacquisition after December 31, 2008, and before January 1,
- 31 2011, of an applicable debt instrument, as provided in Section
- 32 108(i) of the Internal Revenue Code.
- 33 (11) Add or subtract the amount necessary to make the adjusted
- 34 gross income of any taxpayer that claimed the special allowance
- 35 for qualified disaster assistance property under Section 168(n) of
- 36 the Internal Revenue Code equal to the amount of adjusted gross
- 37 income that would have been computed had the special allowance
- 38 not been claimed for the property.
- 39 (12) Add or subtract the amount necessary to make the adjusted
- 40 gross income of any taxpayer that made an election under Section
- 41 179C of the Internal Revenue Code to expense costs for qualified
- 42 refinery property equal to the amount of adjusted gross income



1 that would have been computed had an election for federal  
2 income tax purposes not been made for the year.

3 (13) Add or subtract the amount necessary to make the adjusted  
4 gross income of any taxpayer that made an election under Section  
5 181 of the Internal Revenue Code to expense costs for a qualified  
6 film or television production equal to the amount of adjusted  
7 gross income that would have been computed had an election for  
8 federal income tax purposes not been made for the year.

9 (14) Add or subtract the amount necessary to make the adjusted  
10 gross income of any taxpayer that treated a loss from the sale or  
11 exchange of preferred stock in:

12 (A) the Federal National Mortgage Association, established  
13 under the Federal National Mortgage Association Charter Act  
14 (12 U.S.C. 1716 et seq.); or

15 (B) the Federal Home Loan Mortgage Corporation, established  
16 under the Federal Home Loan Mortgage Corporation Act (12  
17 U.S.C. 1451 et seq.);

18 as an ordinary loss under Section 301 of the Emergency  
19 Economic Stabilization Act of 2008 in the current taxable year or  
20 in an earlier taxable year equal to the amount of adjusted gross  
21 income that would have been computed had the loss not been  
22 treated as an ordinary loss.

23 (15) Add an amount equal to any exempt insurance income under  
24 Section 953(e) of the Internal Revenue Code that is active  
25 financing income under Subpart F of Subtitle A, Chapter 1,  
26 Subchapter N of the Internal Revenue Code.

27 (16) This subdivision does not apply to payments made for  
28 services provided to a business that was enrolled and participated  
29 in the E-Verify program (as defined in IC 22-5-1.7-3) during the  
30 time the taxpayer conducted business in Indiana in the taxable  
31 year. For a taxable year beginning after June 30, 2011, add the  
32 amount of any trade or business deduction allowed under the  
33 Internal Revenue Code for wages, reimbursements, or other  
34 payments made for services provided in Indiana by an individual  
35 for services as an employee, if the individual was, during the  
36 period of service, prohibited from being hired as an employee  
37 under 8 U.S.C. 1324a.

38 (17) Add the amount excluded from federal gross income under  
39 Section 103 of the Internal Revenue Code for interest received on  
40 an obligation of a state other than Indiana, or a political  
41 subdivision of such a state, that is acquired by the taxpayer after  
42 December 31, 2011.



1 (e) In the case of trusts and estates, "taxable income" (as defined for  
2 trusts and estates in Section 641(b) of the Internal Revenue Code)  
3 adjusted as follows:

4 (1) Subtract income that is exempt from taxation under this article  
5 by the Constitution and statutes of the United States.

6 (2) Subtract an amount equal to the amount of a September 11  
7 terrorist attack settlement payment included in the federal  
8 adjusted gross income of the estate of a victim of the September  
9 11 terrorist attack or a trust to the extent the trust benefits a victim  
10 of the September 11 terrorist attack.

11 (3) Add or subtract the amount necessary to make the adjusted  
12 gross income of any taxpayer that owns property for which bonus  
13 depreciation was allowed in the current taxable year or in an  
14 earlier taxable year equal to the amount of adjusted gross income  
15 that would have been computed had an election not been made  
16 under Section 168(k) of the Internal Revenue Code to apply bonus  
17 depreciation to the property in the year that it was placed in  
18 service.

19 (4) Add an amount equal to any deduction allowed under Section  
20 172 of the Internal Revenue Code.

21 (5) Add or subtract the amount necessary to make the adjusted  
22 gross income of any taxpayer that placed Section 179 property (as  
23 defined in Section 179 of the Internal Revenue Code) in service  
24 in the current taxable year or in an earlier taxable year equal to  
25 the amount of adjusted gross income that would have been  
26 computed had an election for federal income tax purposes not  
27 been made for the year in which the property was placed in  
28 service to take deductions under Section 179 of the Internal  
29 Revenue Code in a total amount exceeding twenty-five thousand  
30 dollars (\$25,000).

31 (6) Add an amount equal to the amount that a taxpayer claimed as  
32 a deduction for domestic production activities for the taxable year  
33 under Section 199 of the Internal Revenue Code for federal  
34 income tax purposes.

35 (7) Subtract income that is:

36 (A) exempt from taxation under IC 6-3-2-21.7; and

37 (B) included in the taxpayer's taxable income under the  
38 Internal Revenue Code.

39 (8) Add an amount equal to any income not included in gross  
40 income as a result of the deferral of income arising from business  
41 indebtedness discharged in connection with the reacquisition after  
42 December 31, 2008, and before January 1, 2011, of an applicable



1 debt instrument, as provided in Section 108(i) of the Internal  
 2 Revenue Code. Subtract from the adjusted gross income of any  
 3 taxpayer that added an amount to adjusted gross income in a  
 4 previous year the amount necessary to offset the amount included  
 5 in federal gross income as a result of the deferral of income  
 6 arising from business indebtedness discharged in connection with  
 7 the reacquisition after December 31, 2008, and before January 1,  
 8 2011, of an applicable debt instrument, as provided in Section  
 9 108(i) of the Internal Revenue Code.

10 (9) Add or subtract the amount necessary to make the adjusted  
 11 gross income of any taxpayer that claimed the special allowance  
 12 for qualified disaster assistance property under Section 168(n) of  
 13 the Internal Revenue Code equal to the amount of adjusted gross  
 14 income that would have been computed had the special allowance  
 15 not been claimed for the property.

16 (10) Add or subtract the amount necessary to make the adjusted  
 17 gross income of any taxpayer that made an election under Section  
 18 179C of the Internal Revenue Code to expense costs for qualified  
 19 refinery property equal to the amount of adjusted gross income  
 20 that would have been computed had an election for federal  
 21 income tax purposes not been made for the year.

22 (11) Add or subtract the amount necessary to make the adjusted  
 23 gross income of any taxpayer that made an election under Section  
 24 181 of the Internal Revenue Code to expense costs for a qualified  
 25 film or television production equal to the amount of adjusted  
 26 gross income that would have been computed had an election for  
 27 federal income tax purposes not been made for the year.

28 (12) Add or subtract the amount necessary to make the adjusted  
 29 gross income of any taxpayer that treated a loss from the sale or  
 30 exchange of preferred stock in:

31 (A) the Federal National Mortgage Association, established  
 32 under the Federal National Mortgage Association Charter Act  
 33 (12 U.S.C. 1716 et seq.); or

34 (B) the Federal Home Loan Mortgage Corporation, established  
 35 under the Federal Home Loan Mortgage Corporation Act (12  
 36 U.S.C. 1451 et seq.);

37 as an ordinary loss under Section 301 of the Emergency  
 38 Economic Stabilization Act of 2008 in the current taxable year or  
 39 in an earlier taxable year equal to the amount of adjusted gross  
 40 income that would have been computed had the loss not been  
 41 treated as an ordinary loss.

42 (13) Add the amount excluded from gross income under Section



1 108(a)(1)(e) of the Internal Revenue Code for the discharge of  
2 debt on a qualified principal residence.

3 (14) This subdivision does not apply to payments made for  
4 services provided to a business that was enrolled and participated  
5 in the E-Verify program (as defined in IC 22-5-1.7-3) during the  
6 time the taxpayer conducted business in Indiana in the taxable  
7 year. For a taxable year beginning after June 30, 2011, add the  
8 amount of any trade or business deduction allowed under the  
9 Internal Revenue Code for wages, reimbursements, or other  
10 payments made for services provided in Indiana by an individual  
11 for services as an employee, if the individual was, during the  
12 period of service, prohibited from being hired as an employee  
13 under 8 U.S.C. 1324a.

14 (15) Add the amount excluded from federal gross income under  
15 Section 103 of the Internal Revenue Code for interest received on  
16 an obligation of a state other than Indiana, or a political  
17 subdivision of such a state, that is acquired by the taxpayer after  
18 December 31, 2011.

19 SECTION 8. IC 8-1-2.6-0.6, AS ADDED BY P.L.27-2006,  
20 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
21 JULY 1, 2015]: Sec. 0.6. As used in this chapter, "telecommunications"  
22 has the meaning set forth in ~~47 U.S.C. 153(43)~~; **47 U.S.C. 153**.

23 SECTION 9. IC 8-1-2.6-0.7, AS ADDED BY P.L.27-2006,  
24 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
25 JULY 1, 2015]: Sec. 0.7. As used in this chapter, "telecommunications  
26 service" has the meaning set forth in ~~47 U.S.C. 153(46)~~; **47 U.S.C. 153**.

27 SECTION 10. IC 8-1-2.6-1.1, AS AMENDED BY P.L.1-2007,  
28 SECTION 69, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
29 JULY 1, 2015]: Sec. 1.1. The commission shall not exercise  
30 jurisdiction over:

- 31 (1) advanced services (as defined in 47 CFR 51.5);  
32 (2) broadband service, however defined or classified by the  
33 Federal Communications Commission;  
34 (3) information service (as defined in ~~47 U.S.C. 153(20)~~); **47**  
35 **U.S.C. 153**;  
36 (4) Internet Protocol enabled retail services:  
37 (A) regardless of how the service is classified by the Federal  
38 Communications Commission; and  
39 (B) except as expressly permitted under IC 8-1-2.8;  
40 (5) commercial mobile service (as defined in 47 U.S.C. 332); or  
41 (6) any service not commercially available on March 28, 2006.

42 SECTION 11. IC 8-1-17-3, AS AMENDED BY P.L.27-2006,



1 SECTION 41, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 2 JULY 1, 2015]: Sec. 3. As used in this chapter, the following terms  
 3 have the following meanings unless a different meaning clearly appears  
 4 from the context:

5 (1) "Acquire" means to obtain by construction, purchase, lease,  
 6 devise, gift, eminent domain, or by any other lawful means.

7 (2) "Board" means the board of directors of a cooperative  
 8 corporation.

9 (3) "Cooperative corporation" means a corporation formed under  
 10 this chapter.

11 (4) "Facilities based local exchange carrier" has the meaning set  
 12 forth in IC 8-1-32.4-5.

13 (5) "General cooperative corporation" means a cooperative  
 14 corporation formed to render services to local cooperative  
 15 corporations.

16 (6) "Improve" includes construct, reconstruct, extend, enlarge,  
 17 alter, better, or repair.

18 (7) "Local cooperative corporation" means a cooperative  
 19 corporation formed to render telephone services within Indiana.

20 (8) "Member" includes each individual signing the articles of  
 21 incorporation of a cooperative corporation and each person  
 22 admitted to membership of the cooperative corporation under law  
 23 or the corporation's bylaws.

24 (9) "Obligations" includes negotiable bonds, notes, debentures,  
 25 interim certificates or receipts, and other evidences of  
 26 indebtedness, either issued or the payment of which is assumed  
 27 by a cooperative corporation.

28 (10) "Person" or "inhabitant" includes an individual, a firm, an  
 29 association, a corporation, a limited liability company, a business  
 30 trust, and a partnership.

31 (11) "Service" or "services", when not accompanied by the word  
 32 "telephone", means construction, engineering, financial,  
 33 accounting, or educational services incidental to telephone  
 34 service.

35 (12) "System" includes any plant, works, system, facilities, or  
 36 properties, together with all parts of and appurtenances to the  
 37 plant, works, system, facilities, or properties, used or useful in  
 38 telephone service.

39 (13) "Telephone facilities" includes all buildings, plants, works,  
 40 structures, improvements, fixtures, apparatus, materials, supplies,  
 41 machinery, tools, implements, poles, posts, crossarms, conduits,  
 42 ducts, underground or overhead lines, wires, cables, exchanges,



1 switches, desks, testboards, frames, racks, motors, generators,  
 2 batteries, and other items of central office equipment, paystations,  
 3 protectors, instruments, connections, and appliances, office  
 4 furniture and equipment, work equipment, and all other property  
 5 used in connection with the provision of telephone and other  
 6 telecommunications services.

7 (14) "Telephone service" refers to telecommunications service (as  
 8 defined in ~~47 U.S.C. 153(46)~~ **47 U.S.C. 153**) provided by a  
 9 telephone cooperative corporation. The term includes all facilities  
 10 or systems used in the rendition of the service.

11 SECTION 12. IC 8-1-32.5-3, AS ADDED BY P.L.27-2006,  
 12 SECTION 55, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 13 JULY 1, 2015]: Sec. 3. (a) As used in this chapter, "communications  
 14 service" refers to any of the following:

15 (1) Telecommunications service (as defined in ~~47 U.S.C.~~  
 16 ~~153(46)~~: **47 U.S.C. 153**).

17 (2) Information service (as defined in ~~47 U.S.C. 153(20)~~: **47**  
 18 **U.S.C. 153**).

19 (b) The term includes:

20 (1) video service (as defined in IC 8-1-34-14);

21 (2) broadband service;

22 (3) advanced services (as defined in 47 CFR 51.5); and

23 (4) Internet Protocol enabled services;

24 however classified by the Federal Communications Commission.

25 SECTION 13. IC 8-1-32.5-5, AS ADDED BY P.L.27-2006,  
 26 SECTION 55, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 27 JULY 1, 2015]: Sec. 5. As used in this chapter, "facilities based local  
 28 exchange carrier" means a local exchange carrier (as defined in ~~47~~  
 29 ~~U.S.C. 153(26)~~ **47 U.S.C. 153**) that provides telephone exchange  
 30 service (as defined in ~~47 U.S.C. 153(47)~~ **47 U.S.C. 153**) or exchange  
 31 access (as defined in ~~47 U.S.C. 153(16)~~: **47 U.S.C. 153**):

32 (1) exclusively over facilities owned or leased by the carrier; or

33 (2) predominantly over facilities owned or leased by the carrier,  
 34 in combination with the resale of the telecommunications service  
 35 (as defined in ~~47 U.S.C. 153(46)~~ **47 U.S.C. 153**) of another  
 36 carrier.

37 SECTION 14. IC 8-1-32.6-2, AS ADDED BY P.L.27-2006,  
 38 SECTION 56, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 39 JULY 1, 2015]: Sec. 2. (a) As used in this chapter, "communications  
 40 service" refers to any of the following:

41 (1) Telecommunications service (as defined in ~~47 U.S.C.~~  
 42 ~~153(46)~~: **47 U.S.C. 153**).



- 1 (2) Information service (as defined in ~~47 U.S.C. 153(20)~~: **47**  
 2 **U.S.C. 153**).
- 3 (b) The term includes:
- 4 (1) video service (as defined in IC 8-1-34-14);
- 5 (2) broadband service;
- 6 (3) advanced services (as defined in 47 CFR 51.5); and
- 7 (4) Internet Protocol enabled services;
- 8 however classified by the Federal Communications Commission.
- 9 SECTION 15. IC 8-1-33-11, AS ADDED BY P.L.235-2005,  
 10 SECTION 105, IS AMENDED TO READ AS FOLLOWS  
 11 [EFFECTIVE JULY 1, 2015]: Sec. 11. (a) As used in this chapter,  
 12 "relevant services" refers to:
- 13 (1) cable service (as defined in 47 U.S.C. 522(6));
- 14 (2) telecommunications service (as defined in ~~47 U.S.C. 153(46)~~;  
 15 **47 U.S.C. 153**); and
- 16 (3) information service (as defined in ~~47 U.S.C. 153(20)~~: **47**  
 17 **U.S.C. 153**).
- 18 (b) The term includes:
- 19 (1) advanced services (as defined in 47 CFR 51.5);
- 20 (2) broadband service; and
- 21 (3) Internet Protocol enabled services;
- 22 however classified by the Federal Communications Commission.
- 23 SECTION 16. IC 8-1-34-23, AS AMENDED BY P.L.6-2012,  
 24 SECTION 63, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 25 JULY 1, 2015]: Sec. 23. (a) Except as provided in subsection (b), the  
 26 holder of a certificate under this chapter shall, at the end of each  
 27 calendar quarter, determine under subsections (c) and (d) the gross  
 28 revenue received during that quarter from the holder's provision of  
 29 video service in each unit included in the holder's service area under  
 30 the certificate.
- 31 (b) This subsection applies to a holder or other provider providing  
 32 video service in a unit in which a provider of video service is required  
 33 on June 30, 2006, to pay a franchise fee based on a percentage of gross  
 34 revenues. The holder's or provider's gross revenue shall be determined  
 35 as follows:
- 36 (1) If only one (1) local franchise is in effect on June 30, 2006, the  
 37 holder or provider shall determine gross revenue as the term is  
 38 defined in the local franchise in effect on June 30, 2006.
- 39 (2) If:
- 40 (A) more than one (1) local franchise is in effect on June 30,  
 41 2006; and
- 42 (B) the holder or provider is subject to a local franchise in the



- 1 unit on June 30, 2006;  
 2 the holder or provider shall determine gross revenue as the term  
 3 is defined in the local franchise to which the holder or provider is  
 4 subject on June 30, 2006.  
 5 (3) If:  
 6 (A) more than one (1) local franchise is in effect on June 30,  
 7 2006; and  
 8 (B) the holder is not subject to a local franchise in the unit on  
 9 June 30, 2006;  
 10 the holder shall determine gross revenue as the term is defined in  
 11 the local franchise in effect on June 30, 2006, that is most  
 12 favorable to the unit.  
 13 (c) This subsection does not apply to a holder that is required to  
 14 determine gross revenue under subsection (b). The holder shall include  
 15 the following in determining the gross revenue received during the  
 16 quarter with respect to a particular unit:  
 17 (1) Fees and charges charged to subscribers for video service  
 18 provided by the holder. Fees and charges under this subdivision  
 19 include the following:  
 20 (A) Recurring monthly charges for video service.  
 21 (B) Event based charges for video service, including pay per  
 22 view and video on demand charges.  
 23 (C) Charges for the rental of set top boxes and other  
 24 equipment.  
 25 (D) Service charges related to the provision of video service,  
 26 including activation, installation, repair, and maintenance  
 27 charges.  
 28 (E) Administrative charges related to the provision of video  
 29 service, including service order and service termination  
 30 charges.  
 31 (2) Revenue received by an affiliate of the holder from the  
 32 affiliate's provision of video service, to the extent that treating the  
 33 revenue as revenue of the affiliate, instead of revenue of the  
 34 holder, would have the effect of evading the payment of fees that  
 35 would otherwise be paid to the unit. However, revenue of an  
 36 affiliate may not be considered revenue of the holder if the  
 37 revenue is otherwise subject to fees to be paid to the unit.  
 38 (d) This subsection does not apply to a holder that is required to  
 39 determine gross revenue under subsection (b). The holder shall not  
 40 include the following in determining the gross revenue received during  
 41 the quarter with respect to a particular unit:  
 42 (1) Revenue not actually received, regardless of whether it is



- 1 billed. Revenue described in this subdivision includes bad debt.  
 2 (2) Revenue received by an affiliate or any other person in  
 3 exchange for supplying goods and services used by the holder to  
 4 provide video service under the holder's certificate.  
 5 (3) Refunds, rebates, or discounts made to subscribers,  
 6 advertisers, the unit, or other providers leasing access to the  
 7 holder's facilities.  
 8 (4) Revenue from providing service other than video service,  
 9 including revenue from providing:  
 10 (A) telecommunications service (as defined in ~~47 U.S.C.~~  
 11 ~~153(46)~~; **47 U.S.C. 153**);  
 12 (B) information service (as defined in ~~47 U.S.C. 153(20)~~; **47**  
 13 **U.S.C. 153**), other than video service; or  
 14 (C) any other service not classified as cable service or video  
 15 programming by the Federal Communications Commission.  
 16 (5) Any fee imposed on the holder under this chapter that is  
 17 passed through to and paid by subscribers, including the franchise  
 18 fee:  
 19 (A) imposed under section 24 of this chapter for the quarter  
 20 immediately preceding the quarter for which gross revenue is  
 21 being computed; and  
 22 (B) passed through to and paid by subscribers during the  
 23 quarter for which gross revenue is being computed.  
 24 (6) Revenue from the sale of video service for resale in which the  
 25 purchaser collects a franchise fee under:  
 26 (A) this chapter; or  
 27 (B) a local franchise agreement in effect on July 1, 2006;  
 28 from the purchaser's customers. This subdivision does not limit  
 29 the authority of a unit, or the commission on behalf of a unit, to  
 30 impose a tax, fee, or other assessment upon the purchaser under  
 31 47 U.S.C. 542(h).  
 32 (7) Any tax of general applicability:  
 33 (A) imposed on the holder or on subscribers by a federal, state,  
 34 or local governmental entity; and  
 35 (B) required to be collected by the holder and remitted to the  
 36 taxing entity;  
 37 including the state gross retail and use taxes (IC 6-2.5) and the  
 38 utility receipts tax (IC 6-2.3).  
 39 (8) Any forgone revenue from providing free or reduced cost  
 40 cable video service to any person, including:  
 41 (A) employees of the holder;  
 42 (B) the unit; or



- 1 (C) public institutions, public schools, or other governmental  
 2 entities, as required or permitted by this chapter or by federal  
 3 law.  
 4 However, any revenue that the holder chooses to forgo in  
 5 exchange for goods or services through a trade or barter  
 6 arrangement shall be included in gross revenue.  
 7 (9) Revenue from the sale of:  
 8 (A) capital assets; or  
 9 (B) surplus equipment that is not used by the purchaser to  
 10 receive video service from the holder.  
 11 (10) Reimbursements that:  
 12 (A) are made by programmers to the holder for marketing  
 13 costs incurred by the holder for the introduction of new  
 14 programming; and  
 15 (B) exceed the actual costs incurred by the holder.  
 16 (11) Late payment fees collected from customers.  
 17 (12) Charges, other than those described in subsection (c)(1), that  
 18 are aggregated or bundled with charges described in subsection  
 19 (c)(1) on a customer's bill, if the holder can reasonably identify  
 20 the charges on the books and records by the holder in the regular  
 21 course of business.  
 22 (e) If, under the terms of the holder's certificate, the holder provides  
 23 video service to any unincorporated area in Indiana, the holder shall  
 24 calculate the holder's gross income received from each unincorporated  
 25 area served in accordance with:  
 26 (1) subsection (b); or  
 27 (2) subsections (c) and (d);  
 28 whichever is applicable.  
 29 (f) If a unit served by the holder under a certificate annexes any  
 30 territory after the certificate is issued or renewed under this chapter, the  
 31 holder shall:  
 32 (1) include in the calculation of gross revenue for the annexing  
 33 unit any revenue generated by the holder from providing video  
 34 service to the annexed territory; and  
 35 (2) subtract from the calculation of gross revenue for any unit or  
 36 unincorporated area:  
 37 (A) of which the annexed territory was formerly a part; and  
 38 (B) served by the holder before the effective date of the  
 39 annexation;  
 40 the amount of gross revenue determined under subdivision (1);  
 41 beginning with the calculation of gross revenue for the calendar quarter  
 42 in which the annexation becomes effective. The holder shall notify the



1 commission of the new boundaries of the affected service areas as  
2 required under section 20(a)(7) of this chapter.

3 SECTION 17. IC 8-2.1-17-0.1 IS REPEALED [EFFECTIVE JULY  
4 1, 2015]. Sec. 0.1. (a) The following amendments to this chapter apply  
5 as follows:

6 (1) The amendments made to section 2 of this chapter by  
7 P.L.42-2007 apply to registrations and fees due after December  
8 31, 2006.

9 (2) The addition of sections 7.5 and 9.1 of this chapter by  
10 P.L.42-2007 applies to registrations and fees due after December  
11 31, 2006.

12 (b) If the effective date for the repeal of the single state registration  
13 system established under 49 U.S.C. 11506 is delayed by the Congress  
14 of the United States; the provisions listed in subsection (a)(1) and  
15 (a)(2); as they existed on December 31, 2006; shall be applied in  
16 Indiana until the earlier of the following:

17 (1) The date a state is required to conform to the unified carrier  
18 registration system established under 49 U.S.C. 13908 as required  
19 by an act of the Congress of the United States or by a regulation  
20 of the United States Department of Transportation.

21 (2) January 1, 2008.

22 SECTION 18. IC 8-2.1-22-18 IS AMENDED TO READ AS  
23 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 18. (a) Notwithstanding  
24 IC 24-1-2-1 and in accordance with 49 U.S.C. 11343; 49 U.S.C. 14303,  
25 common carriers may:

26 (1) establish by agreement through routes and joint rates, charges,  
27 and classifications with other common carriers and with common  
28 carriers by railroads, or by water, and every common carrier shall  
29 provide safe and adequate service, equipment, and facilities for  
30 the transportation of passengers or household goods in intrastate  
31 and interstate commerce; and

32 (2) establish, observe, and enforce just and reasonable rates, fares,  
33 charges, and classifications, and just and reasonable regulations  
34 and practices relating to rates, fares, charges, and classifications,  
35 and to the issuance, form, and substance of tickets, receipts, bills  
36 of lading, the carrying of baggage, and all other matters relating  
37 to or connected with the transportation of passengers or household  
38 goods in both intrastate and interstate commerce, and in case of  
39 joint rates and charges, to establish just, reasonable, and equitable  
40 division of joint rates and charges between the carriers  
41 participating in the joint rates and charges.

42 (b) It is unjust discrimination and unlawful for any common carrier



1 by motor vehicle to make, give, or cause any undue or unreasonable  
 2 preference or advantage to any particular person or locality in  
 3 connection with the transportation of any persons or household goods,  
 4 or to subject any particular person or locality to any undue or  
 5 unreasonable prejudice, delay, or disadvantage in any respect.

6 (c) Every common carrier by motor vehicle that fails or refuses to  
 7 receive and transport without unreasonable delay or discrimination the  
 8 passengers or household goods tendered for transportation and deliver  
 9 without unreasonable delay or discrimination those passengers or  
 10 household goods at destination or to the transfer point of the route of  
 11 any connecting common carrier by motor vehicle or railroad is guilty  
 12 of unjust discrimination.

13 (d) It is unjust discrimination for any common carrier to charge or  
 14 receive any greater compensation in the aggregate for the transportation  
 15 of passengers or household goods for a shorter than for a longer  
 16 distance over the same line in the same direction, the shorter distance  
 17 being included in the longer.

18 SECTION 19. IC 8-2.1-24-0.1, AS ADDED BY P.L.220-2011,  
 19 SECTION 192, IS AMENDED TO READ AS FOLLOWS  
 20 [EFFECTIVE JULY 1, 2015]: Sec. 0.1. (a) ~~The following amendments~~  
 21 ~~to this chapter apply as follows:~~

22 (1) Notwithstanding the amendments made to section 18 of this  
 23 chapter by P.L.219-2003, the requirement that 49 CFR 383 and  
 24 384 be incorporated into Indiana law by reference, as provided by  
 25 section 18 of this chapter, as amended by P.L.219-2003, does not  
 26 apply before July 1, 2005.

27 (2) ~~The amendments made to sections 1, 3, 4, 11, 12, 20, and 21~~  
 28 ~~of this chapter by P.L.42-2007 apply to registrations and fees due~~  
 29 ~~after December 31, 2006.~~

30 (b) ~~If the effective date for the repeal of the single state registration~~  
 31 ~~system established under 49 U.S.C. 11506 is delayed by the Congress~~  
 32 ~~of the United States, the provisions listed in subsection (a)(2), as they~~  
 33 ~~existed on December 31, 2006, shall be applied in Indiana until the~~  
 34 ~~earlier of the following:~~

35 (1) ~~The date a state is required to conform to the unified carrier~~  
 36 ~~registration system established under 49 U.S.C. 13908 as required~~  
 37 ~~by an act of the Congress of the United States or by a regulation~~  
 38 ~~of the United States Department of Transportation.~~

39 (2) ~~January 1, 2008.~~

40 SECTION 20. IC 8-2.1-26-3, AS ADDED BY P.L.31-2006,  
 41 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 42 JULY 1, 2015]: Sec. 3. As used in this chapter, "motor carrier



1 transportation contract" means a contract, an agreement, or an  
2 understanding covering:

3 (1) the transportation of property for compensation or hire by a  
4 motor carrier as defined under this article or by ~~49 U.S.C.~~  
5 ~~13102(12)~~; **49 U.S.C. 13102(14)**;

6 (2) the entrance on real property by a motor carrier to:

7 (A) load;

8 (B) unload; or

9 (C) transport property for compensation or hire; or

10 (3) a service incidental to an activity described in subdivision (1)  
11 or (2), including storage of property.

12 SECTION 21. IC 8-4-2-1 IS AMENDED TO READ AS FOLLOWS  
13 [EFFECTIVE JULY 1, 2015]: Sec. 1. Whenever the board of directors  
14 of any railroad company (including any union railway corporation)  
15 organized on or after March 2, 1933, under the laws of this state or of  
16 this state and any other state or states desires to amend its charter,  
17 articles of association, articles of incorporation, or articles of  
18 consolidation, in any one (1) of the following respects, namely:

19 (a) to increase or decrease its capital stock;

20 (b) to change the number of shares of its capital stock;

21 (c) to increase or decrease the par value of the shares of its capital  
22 stock;

23 (d) to provide for shares with par value, or shares without par  
24 value, or both, with such designations, relative rights, preferences,  
25 qualifications, limitations, restrictions, voting rights, values and  
26 interests of the shares of each class as said board may specify;

27 (e) to provide the consideration for which the company may issue  
28 and sell its shares without par value, or to authorize the board of  
29 directors to fix such consideration from time to time;

30 (f) to change the shares of any class into the same or a different  
31 number of shares of any other class or classes, including a change  
32 of shares with par value into shares without par value or a change  
33 of shares without par value into shares with par value;

34 (g) to classify or reclassify the shares of its capital stock;

35 (h) to extend its corporate existence, including a term which shall  
36 extend for perpetuity;

37 (i) in the case of any such company which is no longer engaged  
38 in the conduct of the railroad business or in transportation by  
39 railroad, but which is engaged in leasing the railroad owned by it  
40 to a lessee which maintains and operates the same, to provide for:

41 (1) elimination of its powers further to construct, maintain or  
42 operate a railroad, engage in the conduct of the railroad



1 business, and engage in transportation by railroad; and  
 2 (2) continuation of any charter powers it may, have or purport  
 3 to have on March 9, 1939:

4 (A) first, to own a railroad for the purpose of leasing the  
 5 same for a term of any duration to a lessee who or which is  
 6 empowered further to construct, maintain or operate a  
 7 railroad, engage in the conduct of the railroad business, or  
 8 engage in transportation by railroad; and

9 (B) second, to acquire, own, lease, manage, operate,  
 10 mortgage, and sell other real and personal property, and to  
 11 operate and maintain a public stockyard, as the same is  
 12 defined in 7 U.S.C. 103 **(before its repeal);**

13 provided that no lease to which such company is a party on March  
 14 9, 1939, shall be invalid in whole or in part because of the term of  
 15 its duration and that no amendment to such charter, articles of  
 16 association, articles of incorporation, or articles of consolidation  
 17 can be made which will impair the validity of any such lease; or  
 18 (j) to make any other amendment, without limitation, so long as  
 19 the charter, articles of association, articles of incorporation, or  
 20 articles of consolidation of such company, as amended, have been  
 21 authorized by IC 8-4-1 as an original charter, articles of  
 22 association, articles of incorporation, or articles of consolidation;  
 23 said board may call a special meeting of the stockholders of said  
 24 company for the purpose of submitting to a vote of such stockholders  
 25 the question of the approval of such amendment or may direct that such  
 26 question be submitted to the stockholders at a regular annual meeting.

27 SECTION 22. IC 8-4-14-6 IS AMENDED TO READ AS  
 28 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 6. In case a portion of  
 29 any railroad situated within this state (a part of which is situated in  
 30 another state) shall become vested in a corporation of another state, the  
 31 said corporation may exercise and enjoy within this state, and also in  
 32 such other state, for the purposes of such railroad and its business, all  
 33 the rights, powers, faculties, franchises, and privileges in this chapter  
 34 contained; and its mortgages and trust deeds shall operate and be  
 35 binding as therein specified, and all sales under the same shall be valid  
 36 and effectual. Where the railroad of a railroad corporation organized  
 37 under the laws of this state has or shall become vested in a railroad  
 38 corporation of another state, pursuant to an order or decree of any court  
 39 or courts of the United States, in a proceeding for the reorganization of  
 40 such railroad corporation of another state, pursuant to Regional Rail  
 41 Reorganization Act (~~11 U.S.C. 101(33), 1163 and 1166 et seq.~~); **(11**  
 42 **U.S.C. 101(44), 11 U.S.C. 1163, and 11 U.S.C. 1166 et seq.),** such



1 reorganized railroad corporation may exercise and enjoy within this  
 2 state for the purpose of such reorganized railroad and its business, all  
 3 rights, powers, privileges, franchises, and immunities that were  
 4 possessed and enjoyed by said railroad corporation organized under the  
 5 laws of this state; and such reorganized railroad corporation, when  
 6 necessary or proper, may exercise the power of eminent domain in  
 7 acquiring additional lands or property necessary or convenient for  
 8 betterments, maintenance, extension, or operation of such railroad, and  
 9 for the construction, use, and maintenance of spurs, switches,  
 10 sidetracks, depots, stations, terminals, and other facilities to be used in  
 11 connection with such railroad, in the manner and to the extent and  
 12 subject to the limitations applying to Indiana railroad corporations.

13 SECTION 23. IC 8-23-2-17 IS AMENDED TO READ AS  
 14 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 17. (a) As used in this  
 15 section, "public hearing" means an assembly or a meeting by the  
 16 department for the purpose of:

17 (1) providing information early in the process of making decisions  
 18 affecting proposed highway or bridge construction or  
 19 improvement projects on a county arterial highway system or the  
 20 state highway system so that the public can have an impact on the  
 21 decision outcome, including a meeting in which the public is  
 22 provided information, opportunity for review and comment, and  
 23 an accounting for the rationale for a proposed project; or

24 (2) complying with 23 U.S.C. 128 and ~~49 U.S.C. 1602(d)~~ **49**  
 25 **U.S.C. 5323(b)** requirements in considering economic, social,  
 26 environmental, and other effects of highway projects and  
 27 proposals.

28 (b) Whenever the department holds a public hearing, the department  
 29 shall allow any person an opportunity to be heard in the presence of  
 30 others who are present to testify and in accordance with subsection (c).

31 (c) The department, through the commissioner or the  
 32 commissioner's designee, may limit testimony at a public hearing to a  
 33 reasonable time stated at the opening of the public hearing.

34 SECTION 24. IC 8-23-3-1 IS AMENDED TO READ AS  
 35 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 1. This chapter applies  
 36 to the use of federal funds allocated to Indiana as follows:

37 (1) From the Highway Trust Fund (23 U.S.C.).

38 (2) From the Aviation Trust Fund (49 U.S.C.).

39 (3) Through the Urban Mass Transit Administration (~~49 U.S.C.~~  
 40 ~~1601 et seq.~~) **(49 U.S.C. 5301 et seq.)**.

41 (4) Other federal grants that have a transportation component.

42 SECTION 25. IC 9-14-3.5-8 IS AMENDED TO READ AS



1 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 8. Personal information  
2 related to:

- 3 (1) motor vehicle or driver safety and theft;  
4 (2) motor vehicle emissions;  
5 (3) motor vehicle product alterations, recalls, or advisories;  
6 (4) performance monitoring of motor vehicles and dealers by  
7 motor vehicle manufacturers; and  
8 (5) the removal of nonowner records from the original owner  
9 records of motor vehicle manufacturers;

10 must be disclosed under this chapter to carry out the purposes of the  
11 federal Automobile Information Disclosure Act (15 U.S.C. 1231 et  
12 seq.), ~~the Motor Vehicle Information and Cost Saving Act (15 U.S.C.~~  
13 ~~1901 et seq.); the National Traffic and Motor Vehicle Safety Act of~~  
14 ~~1966 (15 U.S.C. 1381 et seq.); the Anti-Car Theft Act of 1992 (15~~  
15 ~~U.S.C. 2021 et seq.); (49 U.S.C. 33101 et seq.),~~ the Clean Air Act (42  
16 U.S.C. 7401 et seq.), and all federal regulations enacted or adopted  
17 under these Acts.

18 SECTION 26. IC 9-14-3.5-10, AS AMENDED BY P.L.125-2012,  
19 SECTION 42, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
20 JULY 1, 2015]: Sec. 10. The bureau may disclose certain personal  
21 information that is not highly restricted information if the person  
22 requesting the information provides proof of identity and represents  
23 that the use of the personal information will be strictly limited to at  
24 least one (1) of the following:

- 25 (1) For use by a government agency, including a court or law  
26 enforcement agency, in carrying out its functions, or a person  
27 acting on behalf of a government agency in carrying out its  
28 functions.  
29 (2) For use in connection with matters concerning:  
30 (A) motor vehicle or driver safety and theft;  
31 (B) motor vehicle emissions;  
32 (C) motor vehicle product alterations, recalls, or advisories;  
33 (D) performance monitoring of motor vehicles, motor vehicle  
34 parts, and dealers;  
35 (E) motor vehicle market research activities, including survey  
36 research;  
37 (F) the removal of nonowner records from the original owner  
38 records of motor vehicle manufacturers; and  
39 (G) motor fuel theft under IC 24-4.6-5.  
40 (3) For use in the normal course of business by a business or its  
41 agents, employees, or contractors, but only:  
42 (A) to verify the accuracy of personal information submitted



- 1 by an individual to the business or its agents, employees, or  
 2 contractors; and  
 3 (B) if information submitted to a business is not correct or is  
 4 no longer correct, to obtain the correct information only for  
 5 purposes of preventing fraud by, pursuing legal remedies  
 6 against, or recovering on a debt or security interest against, the  
 7 individual.
- 8 (4) For use in connection with a civil, a criminal, an  
 9 administrative, or an arbitration proceeding in a court or  
 10 government agency or before a self-regulatory body, including the  
 11 service of process, investigation in anticipation of litigation, and  
 12 the execution or enforcement of judgments and orders, or under  
 13 an order of a court.
- 14 (5) For use in research activities, and for use in producing  
 15 statistical reports, as long as the personal information is not  
 16 published, re-disclosed, or used to contact the individuals who are  
 17 the subject of the personal information.
- 18 (6) For use by an insurer, an insurance support organization, or a  
 19 self-insured entity, or the agents, employees, or contractors of an  
 20 insurer, an insurance support organization, or a self-insured entity  
 21 in connection with claims investigation activities, anti-fraud  
 22 activities, rating, or underwriting.
- 23 (7) For use in providing notice to the owners of towed or  
 24 impounded vehicles.
- 25 (8) For use by a licensed private investigative agency or licensed  
 26 security service for a purpose allowed under this section.
- 27 (9) For use by an employer or its agent or insurer to obtain or  
 28 verify information relating to a holder of a commercial driver's  
 29 license that is required under the Commercial Motor Vehicle  
 30 Safety Act of 1986 (~~49 U.S.C. 2710 et seq.~~) **(49 U.S.C. 31131 et**  
 31 **seq.)**.
- 32 (10) For use in connection with the operation of private toll  
 33 transportation facilities.
- 34 (11) For any use in response to requests for individual motor  
 35 vehicle records when the bureau has obtained the written consent  
 36 of the person to whom the personal information pertains.
- 37 (12) For bulk distribution for surveys, marketing, or solicitations  
 38 when the bureau has obtained the written consent of the person to  
 39 whom the personal information pertains.
- 40 (13) For use by any person, when the person demonstrates, in a  
 41 form and manner prescribed by the bureau, that written consent  
 42 has been obtained from the individual who is the subject of the



1 information.

2 (14) For any other use specifically authorized by law that is  
3 related to the operation of a motor vehicle or public safety.

4 However, this section does not affect the use of anatomical gift  
5 information on a person's driver's license or identification document  
6 issued by the bureau, nor does this section affect the administration of  
7 anatomical gift initiatives in the state.

8 SECTION 27. IC 9-24-6-0.1, AS ADDED BY P.L.220-2011,  
9 SECTION 221, IS AMENDED TO READ AS FOLLOWS  
10 [EFFECTIVE JULY 1, 2015]: Sec. 0.1. The following amendments to  
11 this chapter apply as follows:

12 (1) Notwithstanding the amendments made to section 1 of this  
13 chapter by P.L.219-2003, this chapter does not apply to a motor  
14 vehicle that is used as a school bus, that is designed to carry more  
15 than fifteen (15) passengers, including the driver, and that is  
16 exempt under 49 U.S.C. 521, ~~49 U.S.C. 31104~~, and 49 U.S.C.  
17 31301 through 31306, or applicable federal regulations, as  
18 provided by section 1 of this chapter, as amended by  
19 P.L.219-2003, before July 1, 2005.

20 (2) Notwithstanding the amendments made to section 2 of this  
21 chapter by P.L.219-2003:

22 (A) the requirement that the rules adopted by the bureau to  
23 regulate persons required to hold a commercial driver's license  
24 shall carry out 49 CFR 384;

25 (B) the prohibition against the rules adopted by the bureau to  
26 regulate persons required to hold a commercial driver's license  
27 being more restrictive than the federal Motor Carrier Safety  
28 Improvement Act of 1999 (MCSIA) (Public Law 106-159.113  
29 Stat. 1748); and

30 (C) the adoption of 49 CFR 384 as Indiana law;

31 as provided by section 2 of this chapter, as amended by  
32 P.L.219-2003, do not apply before July 1, 2005.

33 SECTION 28. IC 9-24-6-2.3, AS AMENDED BY P.L.125-2012,  
34 SECTION 188, IS AMENDED TO READ AS FOLLOWS  
35 [EFFECTIVE JULY 1, 2015]: Sec. 2.3. (a) In addition to the  
36 requirements of 49 CFR 383.71, an applicant for a new commercial  
37 driver's license or a holder of a commercial driver's license must have  
38 a copy of a current medical examination report and medical examiner's  
39 certificate prepared by a medical examiner on file with the motor  
40 carrier services division of the department of state revenue. If a copy  
41 is not on file with the motor carrier services division of the department  
42 of state revenue, a copy must be presented to the bureau.



1 (b) A commercial driver's license holder must have a copy of a  
 2 current medical examination report and medical examiner's certificate  
 3 on file with the motor carrier services division of the department of  
 4 state revenue each time a medical examination report and medical  
 5 examiner's certificate are obtained by the commercial driver's license  
 6 holder, regardless of whether the medical examiner certifies the driver  
 7 as qualified. If a copy is not on file with the motor carrier services  
 8 division of the department of state revenue, a copy must be presented  
 9 to the bureau.

10 (c) If a medical examination report does not certify that a  
 11 commercial driver's license holder meets the physical standards in 49  
 12 CFR 391.41 or if the driver is otherwise unqualified, the commercial  
 13 driver's license or permit holder is disqualified from operating a  
 14 commercial motor vehicle.

15 (d) The bureau shall make the final determination of whether a  
 16 commercial driver's license applicant or holder meets the qualifications  
 17 of 49 CFR 391.41. If the bureau determines that the applicant or holder  
 18 does not meet the qualifications of 49 CFR 391.41, the applicant or  
 19 holder is disqualified from operating a commercial motor vehicle.

20 (e) If a commercial driver's license applicant or holder who is  
 21 disqualified from operating a commercial motor vehicle under  
 22 subsection (c) or (d) attempts to transfer the commercial driver's  
 23 license to another state, the commercial driver's license applicant or  
 24 holder remains disqualified from operating a commercial motor vehicle  
 25 until the applicant or holder is able to establish to the bureau's  
 26 satisfaction that the applicant or holder meets the qualifications of 49  
 27 CFR 391.41.

28 (f) With respect to the self-certification requirements of 49 CFR  
 29 383.71(a)(1), a commercial driver's license applicant must certify that  
 30 the applicant expects to operate only in interstate or intrastate  
 31 commerce, and whether the applicant is medically excepted.  
 32 Regardless of the applicant's certification under this subsection, the  
 33 applicant remains subject to the requirements of 49 CFR 391.41 and 49  
 34 CFR 383.71, except as provided for by rule.

35 (g) This section applies to every commercial driver's license  
 36 applicant and every commercial driver's license holder regardless of  
 37 whether the applicant or holder will be operating in excepted  
 38 commerce, as described in ~~49 CFR 383.71(a)(1)(ii)(B) and (D)~~. **49**  
 39 **CFR 383.71 et seq.**

40 SECTION 29. IC 9-24-6-9 IS AMENDED TO READ AS  
 41 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 9. A driver who:

42 (1) either:

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1 (A) is convicted for the first time of a disqualifying offense  
 2 described in section 8(1) through 8(4) or 8(6) of this chapter;  
 3 or  
 4 (B) is found to have violated section 8(7) of this chapter; and  
 5 (2) is not transporting hazardous materials required to be  
 6 placarded under the federal Hazardous Materials Transportation  
 7 Act (~~49 U.S.C. App. 1801-1813~~); **(49 U.S.C. 5101-5128)**;  
 8 is disqualified for one (1) year from driving a commercial motor  
 9 vehicle.

10 SECTION 30. IC 9-24-6-10 IS AMENDED TO READ AS  
 11 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 10. A driver who:

12 (1) either:  
 13 (A) is convicted for the first time of a disqualifying offense  
 14 described in section 8(1) through 8(4) or 8(6) of this chapter;  
 15 or  
 16 (B) is found to have violated section 8(7) of this chapter; and  
 17 (2) is transporting hazardous materials required to be placarded  
 18 under the federal Hazardous Materials Transportation Act (~~49~~  
 19 ~~U.S.C. App. 1801-1813~~); **(49 U.S.C. 5101-5128)**;  
 20 is disqualified for three (3) years from driving a commercial motor  
 21 vehicle.

22 SECTION 31. IC 10-16-13-1 IS AMENDED TO READ AS  
 23 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 1. In addition to the  
 24 military forces authorized in Indiana, a naval or military school in  
 25 Indiana that is receiving recognition from the United States Department  
 26 of the Navy ~~under 34 U.S.C. 312, approved June 29, 1906~~, may  
 27 organize not more than four (4) companies of naval militia that  
 28 constitute a battalion to be known as the naval battalion of the Indiana  
 29 national guard.

30 SECTION 32. IC 12-13-7-5 IS AMENDED TO READ AS  
 31 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 5. (a) The division is  
 32 designated as the state agency to cooperate with the federal government  
 33 in the administration of the following provisions of the federal Social  
 34 Security Act:

35 (1) 42 U.S.C. 301 through 42 U.S.C. 306.  
 36 (2) 42 U.S.C. 601 through 42 U.S.C. 606.  
 37 (3) 42 U.S.C. 711 through ~~42 U.S.C. 715~~; **42 U.S.C. 713**.  
 38 ~~(4) 42 U.S.C. 721~~.  
 39 ~~(5)~~ **(4)** 42 U.S.C. 1201 through 42 U.S.C. 1206.

40 (b) The division shall cooperate with the appropriate departments  
 41 of the federal government and with all other departments of state and  
 42 local governments in the:



1 (1) enforcement and administration of;  
 2 (2) amendments to; and  
 3 (3) regulations issued under;  
 4 the provision described in subsection (a).

5 SECTION 33. IC 12-15-2-13.5, AS AMENDED BY P.L.107-2009,  
 6 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 7 JULY 1, 2015]: Sec. 13.5. (a) A woman:

8 (1) who is not eligible for Medicaid under any other section of  
 9 this chapter;

10 (2) who is less than sixty-five (65) years of age;

11 (3) who has been:

12 (A) screened for breast or cervical cancer through the breast  
 13 and cervical cancer screening program or by another provider  
 14 under the federal Breast and Cervical Cancer Mortality  
 15 Prevention Act of 1990 (42 U.S.C. 300k); and

16 (B) determined to need treatment for breast or cervical cancer;

17 (4) who is not otherwise covered under ~~credible~~ **creditable**  
 18 coverage (as defined in ~~42 U.S.C. 300gg(c)~~; **42 U.S.C.**  
 19 **300gg-3(c)**); and

20 (5) whose family income does not exceed two hundred percent  
 21 (200%) of the federal income poverty level for the same size  
 22 family;

23 is eligible for Medicaid.

24 (b) Medicaid made available to a woman described in subsection (a)  
 25 is limited to the duration of treatment required for breast or cervical  
 26 cancer.

27 SECTION 34. IC 12-15-2.3-2 IS AMENDED TO READ AS  
 28 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 2. As used in this  
 29 chapter, "qualified entity" means an entity that:

30 (1) is eligible to receive payments and provide items and services  
 31 under this article;

32 (2) provides outpatient hospital services, rural health clinic  
 33 services, and any other ambulatory services offered by a rural  
 34 health clinic, or clinic services furnished by or under the direction  
 35 of a licensed physician; and

36 (3) meets all other requirements set forth in ~~42 U.S.C. 1920B~~; **42**  
 37 **U.S.C. 1396r-1b(b)(2)**.

38 SECTION 35. IC 12-15-35.5-7, AS AMENDED BY P.L.229-2011,  
 39 SECTION 145, IS AMENDED TO READ AS FOLLOWS  
 40 [EFFECTIVE JULY 1, 2015]: Sec. 7. (a) Subject to subsections (b) and  
 41 (c), the office may place limits on quantities dispensed or the frequency  
 42 of refills for any covered drug as required by law or for the purpose of:



- 1 (1) preventing fraud, abuse, or waste;  
 2 (2) preventing overutilization, inappropriate utilization, or  
 3 inappropriate prescription practices that are contrary to:  
 4 (A) clinical quality and patient safety; and  
 5 (B) accepted clinical practice for the diagnosis and treatment  
 6 of mental illness and the considerations specified in subsection  
 7 (h); or  
 8 (3) implementing a disease management program.
- 9 (b) Before implementing a limit described in subsection (a), the  
 10 office shall:  
 11 (1) consider quality of care and the best interests of Medicaid  
 12 recipients;  
 13 (2) seek the advice of the drug utilization review board,  
 14 established by IC 12-15-35-19, at a public meeting of the board;  
 15 and  
 16 (3) publish a provider bulletin that complies with the  
 17 requirements of IC 12-15-13-6.
- 18 (c) Subject to subsection (d), the board may establish and the office  
 19 may implement a restriction on a drug described in section 3(b) of this  
 20 chapter if:  
 21 (1) the board determines that data provided by the office indicates  
 22 that a situation described in IC 12-15-35-28(a)(8)(A) through  
 23 IC 12-15-35-28(a)(8)(K) requires an intervention to:  
 24 (A) prevent fraud, abuse, or waste;  
 25 (B) prevent overutilization, inappropriate utilization, or  
 26 inappropriate prescription practices that are contrary to:  
 27 (i) clinical quality and patient safety; and  
 28 (ii) accepted clinical practice for the diagnosis and treatment  
 29 of mental illness; or  
 30 (C) implement a disease management program; and  
 31 (2) the board approves and the office implements an educational  
 32 intervention program for providers to address the situation.
- 33 (d) A restriction established under subsection (c) for any drug  
 34 described in section 3(b) of this chapter:  
 35 (1) must comply with the procedures described in  
 36 IC 12-15-35-35;  
 37 (2) may include requiring a recipient to be assigned to one (1)  
 38 practitioner and one (1) pharmacy provider for purposes of  
 39 receiving mental health medications;  
 40 (3) may not lessen the quality of care; and  
 41 (4) must be in the best interest of Medicaid recipients.
- 42 (e) Implementation of a restriction established under subsection (c)



1 must provide for the dispensing of a temporary supply of the drug for  
 2 a prescription not to exceed seven (7) business days, if additional time  
 3 is required to review the request for override of the restriction. This  
 4 subsection does not apply if the federal Food and Drug Administration  
 5 has issued a boxed warning under ~~21 CFR 201.57(e)~~ **21 CFR**  
 6 **201.57(c)(1)** that applies to the drug and is applicable to the patient.

7 (f) Before implementing a restriction established under subsection  
 8 (c), the office shall:

9 (1) seek the advice of the mental health Medicaid quality advisory  
 10 committee established by IC 12-15-35-51; and

11 (2) publish a provider bulletin that complies with the  
 12 requirements of IC 12-15-13-6.

13 (g) Subsections (c) through (f):

14 (1) apply only to drugs described in section 3(b) of this chapter;  
 15 and

16 (2) do not apply to a restriction on a drug described in section  
 17 3(b) of this chapter that was approved by the board and  
 18 implemented by the office before April 1, 2003.

19 (h) Restrictions referred to in subsection (c) to prevent  
 20 overutilization, inappropriate utilization, or inappropriate prescription  
 21 practices that are contrary to accepted clinical practices may include  
 22 the implementation of the following:

23 (1) Encouraging dosages that enhance recipient adherence to a  
 24 drug regimen.

25 (2) Encouraging monotherapy with limitations on the number of  
 26 drugs from a specific drug class that a recipient may be taking at  
 27 any one (1) time when there is no documentation of the severity  
 28 and intensity of the target symptoms.

29 (3) Limiting the total number of scheduled psychiatric  
 30 medications that a recipient may be taking at any one (1) time,  
 31 when such limit is based on:

32 (A) established best practices; or

33 (B) guidelines implemented by the division of mental health  
 34 and addiction for mental health state operated facilities.

35 (4) Encouraging, in accordance with IC 16-42-22-10, generic  
 36 substitution when such a substitution would result in a net cost  
 37 savings to the Medicaid program.

38 (i) Restrictions under subsection (h) may be overridden through the  
 39 prior authorization review process in cases in which the prescriber  
 40 demonstrates medical necessity for the prescribed medication.

41 SECTION 36. IC 12-15-44.1 IS REPEALED [EFFECTIVE JULY  
 42 1, 2015]. (Coordination of Benefits Study).

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1 SECTION 37. IC 12-17.2-3.5-1.3 IS AMENDED TO READ AS  
 2 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 1.3. As used in this  
 3 chapter, "employed", "employee", "employment", or "employs" refers  
 4 to services performed by an individual for compensation. The terms do  
 5 not refer to services performed by an individual who volunteers,  
 6 including an individual who provides assistance and receives an  
 7 allowance, a stipend, or other support under the federal Foster  
 8 Grandparent Program (~~42 U.S.C. 66(H)(B)~~): **(42 U.S.C. 5011)**.

9 SECTION 38. IC 12-23-18-5, AS AMENDED BY P.L.131-2014,  
 10 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 11 JULY 1, 2015]: Sec. 5. (a) The division shall adopt rules under  
 12 IC 4-22-2 to establish the following:

13 (1) Standards for operation of an opioid treatment program in  
 14 Indiana, including the following requirements:

15 (A) An opioid treatment program shall obtain prior  
 16 authorization from the division for any patient receiving more  
 17 than seven (7) days of opioid treatment medications at one (1)  
 18 time and the division may approve the authorization only  
 19 under the following circumstances:

20 (i) A physician licensed under IC 25-22.5 has issued an  
 21 order for the opioid treatment medication.

22 (ii) The patient has not tested positive under a drug test for  
 23 a drug for which the patient does not have a prescription for  
 24 a period of time set forth by the division.

25 (iii) The opioid treatment program has determined that the  
 26 benefit to the patient in receiving the take home opioid  
 27 treatment medication outweighs the potential risk of  
 28 diversion of the take home opioid treatment medication.

29 (B) Minimum requirements for a licensed physician's regular:

30 (i) physical presence in the opioid treatment facility; and

31 (ii) physical evaluation and progress evaluation of each  
 32 opioid treatment program patient.

33 (C) Minimum staffing requirements by licensed and  
 34 unlicensed personnel.

35 (D) Clinical standards for the appropriate tapering of a patient  
 36 on and off of an opioid treatment medication.

37 (2) A requirement that, not later than February 28 of each year, a  
 38 current diversion control plan that meets the requirements of ~~21~~  
 39 ~~CFR Part 291~~ **21 CFR Part 290** and 42 CFR Part 8 be submitted  
 40 for each opioid treatment facility.

41 (3) Fees to be paid by an opioid treatment program for deposit in  
 42 the fund for annual certification under this chapter as described



1 in section 3 of this chapter.

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

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

6 (c) Not later than April 1 of each year, the division shall report to  
7 the general assembly in electronic format under IC 5-14-3 the number  
8 of prior authorizations that were approved under subsection (a)(1)(A)  
9 in the previous year and the time frame for each approval.

10 SECTION 39. IC 12-28-4-3, AS AMENDED BY P.L.99-2007,  
11 SECTION 138, IS AMENDED TO READ AS FOLLOWS  
12 [EFFECTIVE JULY 1, 2015]: Sec. 3. Residential facilities for  
13 individuals with a developmental disability must have sufficient  
14 qualified training and habilitation support staff so that the residential  
15 facility, regardless of organization or design, has appropriately  
16 qualified and adequately trained staff (not necessarily ~~qualified mental~~  
17 ~~retardation professionals (as defined in 42 CFR 442.401))~~ **qualified**  
18 **intellectual disability professionals (as defined in 42 CFR 483.430)**  
19 to conduct the activities of daily living, self-help, and social skills that  
20 are minimally required based on each recipient's needs and, if  
21 appropriate, for federal financial participation under the Medicaid  
22 program.

23 SECTION 40. IC 14-22-34-1 IS AMENDED TO READ AS  
24 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 1. (a) As used in this  
25 chapter, "endangered species" means any species or subspecies of  
26 wildlife whose prospects of survival or recruitment within Indiana are  
27 in jeopardy or are likely within the foreseeable future to become so due  
28 to any of the following factors:

- 29 (1) The destruction, drastic modification, or severe curtailment of  
30 the habitat of the wildlife.  
31 (2) The overutilization of the wildlife for scientific, commercial,  
32 or sporting purposes.  
33 (3) The effect on the wildlife of disease, pollution, or predation.  
34 (4) Other natural or manmade factors affecting the prospects of  
35 survival or recruitment within Indiana.  
36 (5) Any combination of the factors described in subdivisions (1)  
37 through (4).

38 (b) The term includes ~~the following~~:

- 39 (1) ~~Any species or subspecies of fish or wildlife appearing on the~~  
40 ~~United States list of endangered native fish and wildlife (50 CFR~~  
41 ~~17, Appendix D).~~  
42 (2) any species or subspecies of fish and wildlife appearing on the



1 United States list of endangered ~~foreign fish~~ and **threatened**  
 2 wildlife (~~50 CFR 17, Appendix A~~). (**50 CFR 17.11**).

3 SECTION 41. IC 14-37-3-12 IS AMENDED TO READ AS  
 4 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 12. (a) The commission  
 5 shall obtain and maintain primary enforcement authority for Class II  
 6 wells under the Underground Injection Control Program, promulgated  
 7 under:

8 (1) Part C of the federal Safe Drinking Water Act (Public Law  
 9 ~~95-523~~, **93-523**, as amended by Public Law 96-502, 42 U.S.C.  
 10 300f et seq.) in effect January 1, 1988; and

11 (2) 40 CFR Parts 124, 144, 145, 146, and 147 Subpart P, in effect  
 12 January 1, 1988.

13 (b) The commission shall enforce the requirements of the  
 14 Underground Injection Control Program and all other rules under this  
 15 article to prevent the pollution or endangerment of underground  
 16 sources of drinking water caused by a well regulated by this article.

17 SECTION 42. IC 16-27-4-17, AS ADDED BY P.L.212-2005,  
 18 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 19 JULY 1, 2015]: Sec. 17. (a) Disclosure of ownership and management  
 20 information must be made to the state department:

21 (1) at the time of the personal services agency's request for  
 22 licensure;

23 (2) during each survey of the personal services agency; and

24 (3) when there is a change in the management or in an ownership  
 25 interest of more than five percent (5%) of the personal services  
 26 agency.

27 (b) The disclosure under subsection (a) must include the following:

28 (1) The name and address of all persons having at least five  
 29 percent (5%) ownership or controlling interest in the personal  
 30 services agency.

31 (2) The name and address of each person who is an officer, a  
 32 director, a managing agent, or a managing employee of the  
 33 personal services agency.

34 (3) The name and address of the person responsible for the  
 35 management of the personal services agency.

36 (4) The name and address of the chief executive officer and the  
 37 chairperson (or holder of the equivalent position) of the governing  
 38 body that is responsible for the person identified under  
 39 subdivision (3).

40 (c) The determination of an ownership interest and the percentage  
 41 of an ownership interest under this chapter must be determined under  
 42 ~~45 CFR 420.201 and 45 CFR 420.202~~, **42 CFR 420.201 and 42 CFR**



1 **420.202**, as in effect on July 1, 2005.

2 SECTION 43. IC 16-39-1-9 IS AMENDED TO READ AS  
3 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 9. Alcohol and drug  
4 abuse records described in ~~42 U.S.C. 290dd-3~~ and ~~42 U.S.C. 290ee-3~~  
5 **42 U.S.C. 290dd-2** may not be disclosed unless authorized in  
6 accordance with ~~42 U.S.C. 290dd-3~~ and ~~42 U.S.C. 290ee-3~~. **42 U.S.C.**  
7 **290dd-2**.

8 SECTION 44. IC 16-41-39.4-9, AS ADDED BY P.L.102-2008,  
9 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
10 JULY 1, 2015]: Sec. 9. (a) The state department shall, not later than  
11 July 1, 2009, adopt rules under IC 4-22-2 to establish a lead-safe work  
12 practices training program for contractors, renovators, and remodelers  
13 who:

14 (1) perform work on housing units that were built before 1978;  
15 and

16 (2) disturb lead-based paint in the housing units.

17 (b) The rules adopted under subsection (a) must:

18 (1) be consistent with the federal Department of Housing and  
19 Urban Development Lead Safe Housing Rule requirements for  
20 lead safe work practices training (~~24 CFR 53.1330(a)(4)~~); (**24**  
21 **CFR 35.1330(a)(4)**); and

22 (2) provide for training courses taught in English and Spanish.

23 SECTION 45. IC 16-45-4-2, AS ADDED BY P.L.108-2007,  
24 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
25 JULY 1, 2015]: Sec. 2. As used in this chapter, "pilot program" refers  
26 to the rural health care pilot program established by the Federal  
27 Communications Commission under ~~47 U.S.C. 254(h)(A)(2)~~ **47 U.S.C.**  
28 **254(h)(1)(A)** to provide federal funding to support the construction of  
29 state or regional broadband networks and the services provided over  
30 those networks.

31 SECTION 46. IC 22-9-5-24 IS AMENDED TO READ AS  
32 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 24. (a) A covered entity  
33 may do the following:

34 (1) Prohibit the illegal use of drugs and the use of alcohol at the  
35 workplace by all employees.

36 (2) Require that employees shall not be under the influence of  
37 alcohol or be engaging in the illegal use of drugs at the  
38 workplace.

39 (3) Require that employees behave in conformance with the  
40 requirements established under the Drug-Free Workplace Act of  
41 1988 (~~41 U.S.C. 701 et seq.~~); (**41 U.S.C. 8101 et seq.**).

42 (4) Hold an employee who engages in the illegal use of drugs or



1 who is an alcoholic to the same qualification standards for  
 2 employment or job performance and behavior that the entity holds  
 3 other employees, even if the unsatisfactory job performance or  
 4 behavior is related to the drug use or alcoholism of the employee.

5 (5) With respect to federal regulations regarding alcohol and the  
 6 illegal use of drugs, require that:

7 (A) employees comply with the standards established in the  
 8 regulations of the United States Department of Defense if the  
 9 employees of the covered entity are employed in an industry  
 10 subject to those regulations, including complying with  
 11 regulations, if any, that apply to employment in sensitive  
 12 positions in the industry, in the case of employees of the  
 13 covered entity who are employed in those positions (as defined  
 14 in the regulations of the United States Department of  
 15 Defense);

16 (B) employees comply with the standards established in the  
 17 regulations of the United States Nuclear Regulatory  
 18 Commission if the employees of the covered entity are  
 19 employed in an industry subject to those regulations, including  
 20 complying with regulations, if any, that apply to employment  
 21 in sensitive positions in the industry, in the case of employees  
 22 of the covered entity who are employed in those positions (as  
 23 defined in the regulations of the United States Nuclear  
 24 Regulatory Commission); and

25 (C) employees comply with the standards established in the  
 26 regulations of the United States Department of Transportation  
 27 if the employees of the covered entity are employed in a  
 28 transportation industry subject to those regulations, including  
 29 complying with regulations, if any, that apply to employment  
 30 in sensitive positions in the industry, in the case of employees  
 31 of the covered entity who are employed in those positions (as  
 32 defined in the regulations of the United States Department of  
 33 Transportation).

34 (b) For purposes of this chapter, a test to determine the illegal use  
 35 of drugs shall not be considered a medical examination.

36 (c) Nothing in this chapter shall be construed to encourage, prohibit,  
 37 or authorize the conducting of drug testing for the illegal use of drugs  
 38 by job applicants or employees or making employment decisions based  
 39 on the test results.

40 (d) Nothing in this chapter shall be construed to encourage, prohibit,  
 41 restrict, or authorize the otherwise lawful exercise by entities subject  
 42 to the jurisdiction of the United States Department of Transportation of



1 authority to:

- 2 (1) test employees in, and applicants for, positions involving  
 3 safety sensitive duties for the illegal use of drugs and for on duty  
 4 impairment by alcohol; and  
 5 (2) remove those persons who test positive for illegal use of drugs  
 6 and on duty impairment by alcohol under subdivision (1) from  
 7 safety sensitive duties in implementing subsection (c).

8 SECTION 47. IC 22-9-5-27 IS AMENDED TO READ AS  
 9 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 27. The commission  
 10 shall adopt rules under IC 4-22-2 to carry out this chapter. These rules  
 11 must not be in conflict with the provisions of the federal rules adopted  
 12 under the employment discrimination provisions of the federal  
 13 Americans with Disabilities Act (~~42 U.S.C. 1211 et seq.~~) **(42 U.S.C.**  
 14 **12101 et seq.)**.

15 SECTION 48. IC 23-19-1-3, AS AMENDED BY P.L.3-2008,  
 16 SECTION 171, IS AMENDED TO READ AS FOLLOWS  
 17 [EFFECTIVE JULY 1, 2015]: Sec. 3. As used in this article:

- 18 (1) "Securities Act of 1933" (15 U.S.C. 77a et seq.);  
 19 (2) "Securities Exchange Act of 1934" (15 U.S.C. 78a et seq.);  
 20 (3) "Public Utility Holding Company Act of 1935" (15 U.S.C. 79  
 21 et seq.);  
 22 (4) "Investment Company Act of 1940" (15 U.S.C. 80a-1 et seq.);  
 23 (5) "Investment Advisers Act of 1940" (15 U.S.C. 80b-1 et seq.);  
 24 (6) "Employee Retirement Income Security Act of 1974" (29  
 25 U.S.C. 1001 et seq.);  
 26 (7) "National Housing Act" (12 U.S.C. 1701 et seq.);  
 27 (8) "Commodity Exchange Act" (7 U.S.C. 1 et seq.);  
 28 (9) "Internal Revenue Code" (26 U.S.C. 1 et seq.);  
 29 (10) "Securities Investor Protection Act of 1970" (~~15 U.S.C. 78a~~  
 30 ~~et seq.~~) **(15 U.S.C. 78aaa et seq.)**;  
 31 (11) "Securities Litigation Uniform Standards Act of 1998" (112  
 32 Stat. 3227);  
 33 (12) "Small Business Investment Act of 1958" (15 U.S.C. 661 et  
 34 seq.); and  
 35 (13) "Electronic Signatures in Global and National Commerce  
 36 Act" (15 U.S.C. 7001 et seq.);

37 mean those statutes, and the rules and regulations adopted under those  
 38 statutes, as in effect on July 1, 2008.

39 SECTION 49. IC 26-1-9.1-307, AS AMENDED BY P.L.54-2011,  
 40 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 41 JULY 1, 2015]: Sec. 307. (a) In this section, "place of business" means  
 42 a place where a debtor conducts its affairs.



1 (b) Except as otherwise provided in this section, the following rules  
2 determine a debtor's location:

3 (1) A debtor who is an individual is located at the individual's  
4 principal residence.

5 (2) A debtor that is an organization and has only one (1) place of  
6 business is located at its place of business.

7 (3) A debtor that is an organization and has more than one (1)  
8 place of business is located at its chief executive office.

9 (c) Subsection (b) applies only if a debtor's residence, place of  
10 business, or chief executive office, as applicable, is located in a  
11 jurisdiction whose law generally requires information concerning the  
12 existence of a nonpossessory security interest to be made generally  
13 available in a filing, recording, or registration system as a condition or  
14 result of the security interest's obtaining priority over the rights of a lien  
15 creditor with respect to the collateral. If subsection (b) does not apply,  
16 the debtor is located in the District of Columbia.

17 (d) A person that ceases to exist, have a residence, or have a place  
18 of business continues to be located in the jurisdiction specified by  
19 subsections (b) and (c).

20 (e) A registered organization that is organized under the law of a  
21 state is located in that state.

22 (f) Except as otherwise provided in subsection (i), a registered  
23 organization that is organized under the law of the United States and a  
24 branch or agency of a bank that is not organized under the law of the  
25 United States or a state are located:

26 (1) in the state that the law of the United States designates, if the  
27 law designates a state of location;

28 (2) in the state that the registered organization, branch, or agency  
29 designates, if the law of the United States authorizes the  
30 registered organization, branch, or agency to designate its state of  
31 location, including by designating its main office, home office, or  
32 other comparable office; or

33 (3) in the District of Columbia, if neither paragraph (1) nor  
34 paragraph (2) applies.

35 (g) A registered organization continues to be located in the  
36 jurisdiction specified by subsection (e) or (f) notwithstanding:

37 (1) the suspension, revocation, forfeiture, or lapse of the  
38 registered organization's status as such in its jurisdiction of  
39 organization; or

40 (2) the dissolution, winding up, or cancellation of the existence of  
41 the registered organization.

42 (h) The United States is located in the District of Columbia.



1 (i) A branch or agency of a bank that is not organized under the law  
 2 of the United States or a state is located in the state in which the branch  
 3 or agency is licensed, if all branches and agencies of the bank are  
 4 licensed in only one (1) state.

5 (j) A foreign air carrier under the Federal Aviation Act of 1958, as  
 6 ~~amended~~, **Administration Authorization Act of 1994 (49 U.S.C.**  
 7 **40102(21))** is located at the designated office of the agent upon which  
 8 service of process may be made on behalf of the carrier.

9 (k) This section applies only for purposes of IC 26-1-9.1-301  
 10 through IC 26-1-9.1-342.

11 SECTION 50. IC 28-1-2-40, AS ADDED BY P.L.115-2010,  
 12 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 13 JULY 1, 2015]: Sec. 40. (a) As used in this section, "act" refers to the  
 14 federal Credit Card Accountability Responsibility and Disclosure Act  
 15 of 2009 as it applies to Indiana borrowers.

16 (b) If the department receives credible evidence from any source  
 17 that a financial institution that issues to Indiana borrowers an  
 18 unsecured credit card that is not a debit card, as a card issuer (as  
 19 defined in ~~15 U.S.C. 1602(n))~~ **15 U.S.C. 1602(o)** is not in substantial  
 20 compliance with the act, the director of the department shall send a  
 21 notice of the evidence by certified mail to the financial institution's  
 22 chief executive officer. The notice must:

- 23 (1) set forth the provisions of IC 5-13-9.5-1(c) and
- 24 IC 5-13-9.5-1(d);
- 25 (2) describe the department's evidence that the financial
- 26 institution is not in substantial compliance with the act;
- 27 (3) describe the consequences under IC 5-13-9.5-1(c) of a finding
- 28 that the financial institution is not in substantial compliance with
- 29 the act; and
- 30 (4) invite a reply that affirms or disputes the evidence of
- 31 noncompliance with the act.

32 If a financial institution disputes the preliminary determination that it  
 33 is not in substantial compliance with the act, but fails to convince the  
 34 director of the department of its substantial compliance with the act,  
 35 the financial institution may, within twenty (20) days of the date of the  
 36 notice, request a hearing on the determination. If a hearing is requested,  
 37 the department shall schedule the hearing not earlier than twenty (20)  
 38 days after the date of the request. If no hearing is requested, the  
 39 department's determination that the financial institution is not in  
 40 substantial compliance with the act is final.

41 (c) Except as otherwise provided in this section, any hearing  
 42 requested by a financial institution under subsection (b) and the



1 determination by the department are subject to IC 4-21.5-3. Judicial  
 2 review of the department's final determination may be obtained in  
 3 accordance with IC 4-21.5-5.

4 (d) If a financial institution does not contest the determination that  
 5 it is not in substantial compliance with the act, or the financial  
 6 institution is determined under subsection (b) to not be in substantial  
 7 compliance with the act, the department shall immediately notify the  
 8 chairperson of the board for depositories established under IC 5-13-12  
 9 of the determination.

10 (e) A financial institution that has been determined by the  
 11 department to not be in substantial compliance with the act may  
 12 petition the department for a hearing to demonstrate that the financial  
 13 institution has taken the necessary steps to attain substantial  
 14 compliance with the act, and to ensure future substantial compliance  
 15 with the act. The hearing and the determination by the department are  
 16 subject to IC 4-21.5-3. Judicial review of the department's final  
 17 determination may be obtained in accordance with IC 4-21.5-5. Upon  
 18 final determination by the department, or a final judgment in the case  
 19 of pending judicial review, that the financial institution is in substantial  
 20 compliance with the act, the department shall immediately notify the  
 21 chairperson of the board for depositories established under IC 5-13-12  
 22 of the determination or judgment.

23 SECTION 51. IC 31-25-2-8, AS AMENDED BY P.L.131-2009,  
 24 SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 25 JULY 1, 2015]: Sec. 8. (a) The department is the single state agency  
 26 responsible for administering the following:

27 (1) Title IV-B of the federal Social Security Act under ~~42 U.S.C.~~  
 28 ~~620 et seq.~~ **42 U.S.C. 621 et seq.**

29 (2) Title IV-E of the federal Social Security Act under 42 U.S.C.  
 30 670 et seq.

31 (3) The federal Child Abuse Prevention and Treatment Act under  
 32 42 U.S.C. 5106 et seq.

33 (4) The federal Social Services Block Grant under 42 U.S.C. 1397  
 34 et seq.

35 (5) Any other federal program that provides funds to states for  
 36 services related to the prevention of child abuse and neglect, child  
 37 welfare services, foster care, independent living, or adoption  
 38 services.

39 (b) This subsection applies beginning October 1, 2009. Under 42  
 40 U.S.C. 671(a)(32), the department shall negotiate in good faith with  
 41 any Indian tribe, tribal organization, or tribal consortium in the state  
 42 that requests to develop an agreement with the state to administer all



1 or part of Title IV-E of the federal Social Security Act under 42 U.S.C.  
 2 670 et seq., on behalf of Indian children who are under the authority of  
 3 the tribe, tribal organization, or tribal consortium.

4 SECTION 52. IC 31-26-3.5-6, AS ADDED BY P.L.146-2008,  
 5 SECTION 570, IS AMENDED TO READ AS FOLLOWS  
 6 [EFFECTIVE JULY 1, 2015]: Sec. 6. (a) A child welfare program  
 7 account is established in the state general fund to receive money for  
 8 establishment, operation, or support of child welfare programs.  
 9 Receipts credited to the child welfare program account may be derived  
 10 from the following sources:

11 (1) Any appropriation made by the general assembly that is  
 12 specifically designated for child welfare programs.

13 (2) Any part of the appropriation to the department that is set  
 14 aside and allocated by the department for child welfare programs,  
 15 at the discretion of the director.

16 (3) Any part of federal grant funds received by the department  
 17 through Title IV-B Parts 1 and 2 of the Social Security Act (~~42~~  
 18 ~~U.S.C. 620 et seq.~~) (**42 U.S.C. 621 et seq.**) that is allocated by the  
 19 department for child welfare programs under this chapter at the  
 20 discretion of the director, subject to the terms and conditions of  
 21 the grant.

22 (4) Any gifts received by the department from individuals or  
 23 nongovernmental organizations, for purposes of child welfare  
 24 programs. The department may receive and administer any gifts  
 25 earmarked for specifically designated child welfare programs, in  
 26 accordance with the terms of the gift.

27 (b) Any appropriation made by the general assembly for the child  
 28 welfare program account remains in the child welfare program account  
 29 until expended and does not revert to the state general fund at the  
 30 expiration of the state fiscal year for which the appropriation was made.

31 SECTION 53. IC 31-26-6-9, AS AMENDED BY P.L.128-2012,  
 32 SECTION 92, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 33 JULY 1, 2015]: Sec. 9. In preparing the plan under section 5 of this  
 34 chapter, a regional services council shall review and consider existing  
 35 publicly and privately funded programs that are available or that could  
 36 be made available in the regional services council's service region to  
 37 provide supportive services to or for the benefit of children described  
 38 in section 5 of this chapter without removing the child from the family  
 39 home, including programs funded through the following:

40 (1) Title IV-B of the Social Security Act (~~42 U.S.C. 620 et seq.~~)  
 41 (**42 U.S.C. 621 et seq.**).

42 (2) Title IV-E of the Social Security Act (42 U.S.C. 670 et seq.).



1 (3) Title XX of the Social Security Act (42 U.S.C. 1397 et seq.).

2 (4) The Child Abuse Prevention and Treatment Act (42 U.S.C.  
3 5106 et seq.).

4 (5) Special education programs under IC 20-35-6-2.

5 (6) All programs designed to prevent child abuse, neglect, or  
6 delinquency, or to enhance child welfare and family preservation  
7 administered by, or through funding provided by, the department,  
8 prosecuting attorneys, or juvenile courts, including programs  
9 funded under IC 31-26-3.5 and IC 31-40.

10 SECTION 54. IC 33-44-3-5 IS AMENDED TO READ AS  
11 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 5. "Eligible client"  
12 means a person:

13 (1) who resides in Indiana; and

14 (2) whose income:

15 (A) satisfies the eligibility standards established by a legal aid  
16 program or legal services program existing in Indiana on  
17 January 1, 1990, if the program's client eligibility standards  
18 provide that the client's income may not exceed one hundred  
19 fifty percent (150%) of the current poverty threshold  
20 established by the United States Office of Management and  
21 Budget;

22 (B) is not more than one hundred fifty percent (150%) of the  
23 current poverty threshold established by the United States  
24 Office of Management and Budget; or

25 (C) satisfies the eligibility standard for Supplemental Security  
26 Income or free services under the Older Americans Act of  
27 1965, as amended (42 U.S.C. 3001-3057) or ~~Developmentally~~  
28 ~~Disabled Developmental Disabilities~~ Assistance and Bill of  
29 Rights Act of 2000 (~~42 U.S.C. 6000-6083~~): **(42 U.S.C. 15001**  
30 **et seq.)**.

31 SECTION 55. IC 35-43-5-7.2, AS AMENDED BY P.L.158-2013,  
32 SECTION 481, IS AMENDED TO READ AS FOLLOWS  
33 [EFFECTIVE JULY 1, 2015]: Sec. 7.2. (a) Except as provided in  
34 subsection (b), a person who knowingly or intentionally:

35 (1) files a children's health insurance program claim, including an  
36 electronic claim, in violation of IC 12-17.6;

37 (2) obtains payment from the children's health insurance program  
38 under IC 12-17.6 by means of a false or misleading oral or written  
39 statement or other fraudulent means;

40 (3) acquires a provider number under the children's health  
41 insurance program except as authorized by law;

42 (4) alters with intent to defraud or falsifies documents or records



1 of a provider (as defined in ~~42 CFR 1002.301~~ **42 CFR 400.203**)  
 2 that are required to be kept under the children's health insurance  
 3 program; or  
 4 (5) conceals information for the purpose of applying for or  
 5 receiving unauthorized payments from the children's health  
 6 insurance program;  
 7 commits insurance fraud, a Class A misdemeanor.  
 8 (b) The offense described in subsection (a) is:  
 9 (1) a Level 6 felony if the fair market value of the offense is at  
 10 least seven hundred fifty dollars (\$750) and less than fifty  
 11 thousand dollars (\$50,000); and  
 12 (2) a Level 5 felony if the fair market value of the offense is at  
 13 least fifty thousand dollars (\$50,000).  
 14 SECTION 56. IC 35-45-1-4 IS AMENDED TO READ AS  
 15 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 4. (a) A person who  
 16 knowingly or intentionally mutilates, defaces, burns, or tramples any  
 17 United States flag, standard, or ensign commits flag desecration, a  
 18 Class A misdemeanor.  
 19 (b) This section does not apply to a person who disposes of a flag in  
 20 accordance with ~~36 U.S.C. 176(k)~~ **4 U.S.C. 8(k)**.



COMMITTEE REPORT

Madam President: The Senate Committee on Civil Law, to which was referred Senate Bill No. 171, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is to SB 171 as introduced.)

ZAKAS, Chairperson

Committee Vote: Yeas 6, Nays 0

